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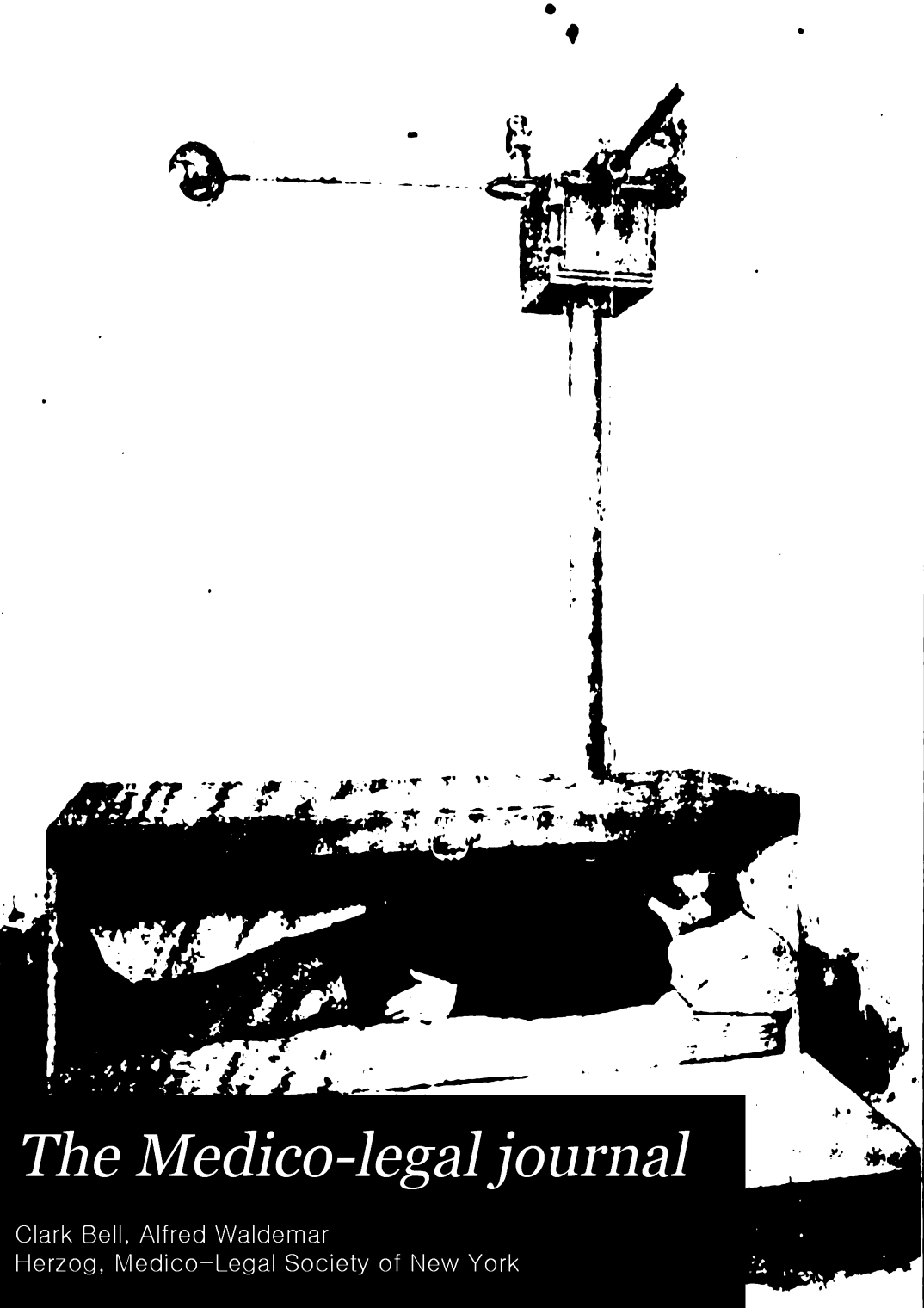

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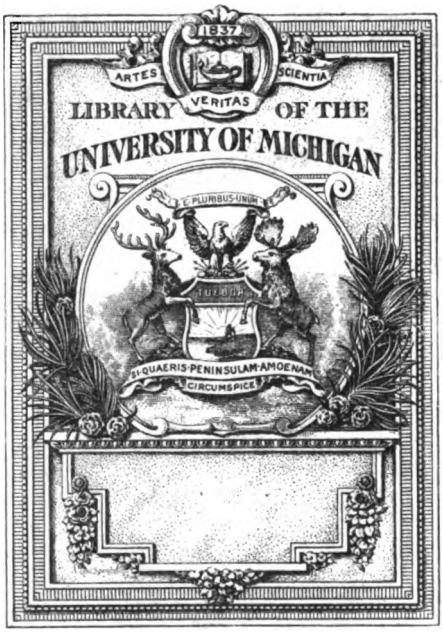

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SUPREME COURT OF MINNESOTA.
THE PRESENT BENCH,

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Associate Justice.

HON. LOREN W. COLLINS,
Associated Justice.

HON. CHARLES M. START,
Chief Justice.

HON. WM. MITCHELL,
Associate Justice.

HON. THOMAS CANTY,
Associate Justice.

From advance sheets Supreme Court of the States and Territories of North America.

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MINNESOTA.

BY CLARK BELL, ESQ., LL. D., OF THE BAR OF N. Y. CITY.

Early Territorial History.

In 1688 Nicholas Perrot first planted the Cross and Arms of France on the soil of Minnesota and laid the first formal claim to the country for France, he built a fort at Lake Pepin near Lake City. Jean Nicolet, a French explorer, in 1635, wintered near Green Bay and brought to Montreal the first mention of the Aborigines of Minnesota. In 1650 to 1660, Groisellers and Radison, Frenchmen, wintered among the Sioux Indians in the Mille Lacs Region. Duluth had ascended the St. Louis River to Fond du Lac and held a council with the Sioux Indians in 1679 and 1680, he met Louis Hennepin, a Dutch priest, at the Sioux village of Mille Lacs Sioux.

The French after 1696 occupied it and in that year Le Seuer built a fort on Isle Pelee in the Mississippi River below Prescott.

In 1700 Le Seuer established Fort L. Huillier, on Blue Earth River, and in 1727 the French built another fort on Lake Pepin with Sieur de Lapperreire as commander.

By the treaty of Versaillies, France ceded that part of Minnesota lying east of the Mississippi River to England and west of that river to Spain. In 1796 the laws of the Ordinances of 1787 was extended over the northwest.

May 7th, 1800, that part of Minnesota east of the Mississippi River became a part of Indiana by the division of Ohio. On December 20th, 1803, that part of Minnesota west of the Mississippi River for forty years in possession

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of Spain as a part of Louisiana was ceded to the United States by Napoleon Bonaparte who had just obtained it from Spain.

In 1805, Upper Louisiana was organized as Missouri Territory and Captain Pike obtained the Fort Snelling Reservation from the Dakota Indians.

In 1812, the Dakotas, Ojibways and Winnebagos joined the British during the war and Lord Selkirk established the Red River Colony.

In 1819, Minnesota east of the Mississippi River became a part of Crawford county, Michigan, Fort Snelling was established and one at Menlota.

In 1854, Minnesota west of the Mississippi River was attached to Michigan.

In 1836, the Territory of Wisconsin was organized embracing all of Minnesota east of the Mississippi River, the rest attached to Iowa.

In 1837 treaties were effected with the Ojibways by which they ceded all their pine lands on the St. Croix and its tributaries and with the Dakotas for their lands east of the Mississippi.

The treaty was ratified by Congress in 1838. In 1846 Congress passed an enabling act for Wisconsin and in 1847 the Wisconsin Constitutional Convention met and acted.

On May 29th, 1848, Wisconsin was admitted leaving Minnesota (with its present boundaries) without a government.

July 23rd, 1851, the treaty of Traverse Des Sioux was completed they ceding all the territory west of the Mississippi to the United States. This treaty was ratified July 26th, 1852, by the Senate of the United States.*

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*For the early history, I am indebted to the Minnesota Legislative Manual of 1897.

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Organic Law.

The organic act by which Minnesota was made one of the territories of the American Union, was passed by Congress March 3rd, 1849. Section 9 of that act created the Supreme Court of the Territory in which the judicial power was vested and the court organized by a chief justice and two associate justices, who were required to hold a term at the capitol annually, to hold their offices for four years, any two of whom made a quorum.

The territory was divided into three districts, in each of which one of the said judges should be assigned and reside and hold district courts at such times and places as should be fixed by law. Both original and appellate jurisdiction with chancery powers were conferred upon the court thus created.

The Supreme Court sat as a court of appellate jurisdiction in review of the decisions of the judges so sitting as trial judges in the district court.

The judges of this court were appointed by the President of the United States by and with the advice of the Senate. Their salaries were fixed at $1800 each annually.

Minnesota was formed out of a part of the lands originally embraced within the limits of the territory of Wisconsin and the organic law in section 12, provided; that the laws in force in Wisconsin at the date of its admission as a state should continue to be operative in Minnesota, until modified or repealed by the legislature of Minnesota and all suits, civil and criminal, pending within the territorial limits should be transferred, tried and proceeded with in the courts created by the organic act.

An enabling act providing for the admission of Minnesota into the Union as a state was passed by Congress February 26th, 1857, authorizing an election to be held as to their acceptance of admission to the Union in June, 1857.

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This election resulted in the acceptance of statehood and the ordering of a constitutional convention which prepared a constitution that was adopted by the people October 13th, 1857.

On May 11th, 1858, Minnesota was admitted into the Union by Act of Congress and established as a Judicial District of the United States, within which a District Court was created.

The following were the judges of the Supreme Court under the territorial organization:

CHIEF JUSTICES.

Aaron Goodrich, June 1, 1849, to November 13, 1851.
Jerome Fuller, November 13, 1851, to December 16, 1852.
Henry Z. Rayner, December 16, 1852, to April 7, 1853.
(Never presided at a term.)
William H. Welsh, April 7, 1853, to May 24, 1858.

ASSOCIATE JUSTICES.

David Cooper, June 1, 1849, to April 7, 1853.
Bradley B. Meeker, June 1, 1849, to April 7, 1853.
Andrew G. Chatfield, April 7, 1853, to April 23, 1857.
Moses G. Sherburne, April 7, 1853, to April 13, 1857.
R. R. Nelson, April 23, 1857, to May 24, 1858.
Charles E. Flandrau, April 23, 1757, to May 24, 1858.

STATEHOOD.

The judicial power of the state is vested in a Supreme Court, district courts, courts of probate, justices of the peace and such other courts, inferior to the Supreme Court as the legislature may from time to time establish by a two-third vote.

The court was given appellate jurisdiction and original jurisdiction but without a jury in such remedial cases as may be established by law.

It was originally provided to consist of a chief justice and two associate justices, with power to the Legislature to

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increase it to not exceeding four associates, to hold office six years, to be elected by the people. In 1881 the Supreme Court was increased to one chief justice and four associate justices by the Legislature.*

The constitution provided for the division of the state into judicial districts, respecting county lines, or as nearly so as could be made, and these courts had original civil and criminal jurisdiction, from which an appeal lies to the Supreme Court except offences which are tried before justices of the peace.

All the judicial and executive officers are liable to impeachment for corrupt conduct in office, or for crimes and misdemeanors.

Two terms of the court are held in each year commencing on the first Tuesday of April and October at the Capitol at St. Paul.

The clerk of the Supreme Court is an elective officer, the term of office being four years. He may appoint a deputy.

The reporter of the Supreme Court is an officer appointed by the courts to prepare the adjudicated cases for publication in official volumes, called "Minnesota Reports," of which sixty-two volumes have been published. The reports are now accumulating at the rate of four volumes annually.

The present judges of the Supreme Court are as follows:

Chief Justice, Hon. Charles M. Start, of Rochester.

Associate Justices, Hon. Wm. Mitchell, Winona; Hon. Loren W. Collins, St. Cloud; Hon. Daniel Buck, Mankato; Hon. Thos. Canty, Minneapolis.

The clerk of the Supreme Court is Darius F. Reese, Esq., of St. Paul, and the Reporter, Henry B. Wenzell, Esq., of St. Paul.

*Chapter 141 Laws of 1881.

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The following is a list of the Chief and Associate Justices of the State since its admission to the Union with the term of service of each:

CHIEF JUSTICES, SUPREME COURT.
With dates and terms of service.

Lafayette Emmett, May 24, 1858, to January 10, 1865.
Thomas Wilson, January 10, 1865, to July 14, 1870.
James Gilfillan, July 14, 1869, to January 7, 1879.
Christopher G. Ripley, January 7, 1870, to April 7, 1874.
S. J. R. McMillan, April 7, 1870, to March 10, 1875.
Charles M. Start, January, 1895, to January, 1901.

ASSOCIATE JUSTICES, SUPREME COURT.

Charles E. Flandrau, May 24, 1858, to July 3, 1864.
Isaac Atwater, May 24, 1858, to July 6, 1864.
S. J. R. McMillan, July 6, 1864, to April 7, 1874.
Thomas Wilson, July 6, 1864, to January 10, 1865.
John M. Berry, January 10, 1865, to November 8, 1887.
George B. Young, April 16, 1894, to January 11, 1875.
F. R. E. Cornell, January 11, 1875, to May 23, 1881.
D. A. Dickinson, June 27, 1881, to January, 1894.
Greenleaf Clark, March 14, 1881, to January 12, 1882.
William Mitchell, March 14, 1881, to January, 1899.
C. E. Vanderburgh, January 12, 1882, to January, 1894.
Loren W. Collins, November 16, 1887, to January, 1901.
Daniel Buck, January, 1894, to January 1900.
Thomas Canty, January, 1894, to January, 1900.

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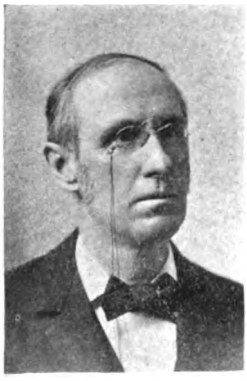

SUPREME COURT OF NEW HAMPSHIRE.
THE PRESENT BENCH.

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Associate Justice.

HON. WM. MARTIN CHASE,
Associate Justice.

HON. ROBERT M. WALLACE,
Associate Justice.

HON. ISAAC N. BLODGETT,
Chief Justice.

HON. FRANK N. PARSONS,
Associate Justice.

HON. JOHN E. YOUNG,
Associate Justice.

HON. ROBERT G. PIKE,
Associate Justice

From advance sheets Supreme Court of the States and Territories of North America.

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THE SUPREME COURT OF NEW HAMPSHIRE; AN HISTORICAL SKETCH.

BY HON. ALBERT STILLMAN BATCHELLOR.*

The first period of New Hampshire history, extending from its beginning, under the patent to John Mason, to the union with Massachusetts, in 1641, contains little of interest appertaining to courts and the administration of justice. The first settlement was not earlier than 1622 nor later than 1623, and when the union with Massachusetts was accomplished, in 1641, the future state consisted of four unimportant frontier towns, Portsmouth, Dover, Hampton and Exeter. The legal forms and usages of the Massachusetts Bay colony were followed to some extent, and these were supplemented by the laws which each of these towns enacted for its own government, each having a governor and assistants, and they being the magistrates for the enforcement of local laws. There was, however, during this period, nothing worthy the name of a judicial system, and the most important judicial proceedings, of which we have record, arose out of quarrels between church factions.

The Massachusetts colonists had, for some time, in the period just mentioned, cherished the design of purchasing the Masonian title, and absorbing the New Hampshire settlements; and an influential part of the New Hampshire settlers, many of whom had come from Massachu-

*The writer of this article is a member of the law firm of Batchellor & Mitchell, formerly Bingham, Mitchells & Batchellor, of Concord and Littleton, N. H. He is also editor of the new edition of Province Laws, now in process of preparation and publication for the state.

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setts, were not averse to the execution of this purpose. The first steps were successfully taken while the Masonian heirs were unrepresented or in infancy, and their title was without aggressive defenders. In 1641 these four towns sent deputies to the General Court of Massachusetts Bay, a court in fact as well as in name, the people having recourse to it in judicial as well as in legislative affairs. The towns north of the Merrimack, including the settlements in the Mason grant, were erected into a county. For some or all of the towns the General Court appointed magistrates, and ordered that a court should be held once or twice a year in each town, to be constituted of two or more of the designated local officials. This was called the court of the associates, and had jurisdiction of all causes to the value of twenty pounds. Inferior courts were also constituted, with jurisdiction of causes to the amount of forty shillings.* The Massachusetts Bay authorities were, however, unable to compass their design of purchasing the title to the Mason grant, and when the heir, Robert Mason, came to his majority, he determined on securing his own, and developed an enterprise and energy worthy his distinguished ancestry. He succeeded at last in persuading the royal ministry,—already dissatisfied with the policy of Massachusetts Bay,—to erect the Province of New Hampshire, and annul the union which had existed since 1641.

In 1679 our four towns of the frontier county of Massachusetts, and the outlying wilderness, became the Province of New Hampshire, and it was given a well ordered and permanent government. Under the royal commission the

* Hon. Salma Hale states this limit to have been twenty shillings. *The Judicial History of New Hampshire before the Revolution*, reprint, Grafton and Coös Bar Association, Proceedings, Vol. III, p. 55. See also opinion of Mr. Justice Chase, in State v. Jackson, N. H. Reports, not yet published.

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President and Council were made a Court of Record for administration of justice. according to the laws of England, so far as circumstances would permit, reserving the right of appeal to the King in Council for actions of the value of £50 and upwards. The Assembly and Council "together with the General Assembly," should be the Court of Appeals. This may be called the first local Supreme Court established in the Province of New Hampshire. It existed but a short time, as the code was rejected *in toto* by the King in Council. President Cutt, who died in 1681, was succeeded temporarily by Waldron, the Deputy President, and permanently by Edward Cranfield. The latter appointed Robert Mason, Chancellor, and the courts were made subservient to the Mason interests. Cranfield himself had been made personally interested in the Mason title, as an inducement to his acceptance of the governorship, and he manipulated the constitution of the courts in the interest of his cause. Cases were brought to trial, verdicts obtained, and executions issued and levied. Ejectments, however, were not effective, and Mason could not dispose of his lands to advantage. Complaints against Cranfield were frequently urged before the King in Council, and finally Cranfield retired from the province, leaving the government in the hands of his deputy, Barefoote. The latter continued the government, under the Cranfield commission, until the administration of the province as a separate government was suspended, in 1686, on the inauguration of the presidency of Joseph Dudley, which comprehended New Hampshire, with Massachusetts Bay and other territory, in the Dominion of New England. This was merely preliminary to the Andros administration, which subsisted from December, 1686, to April, 1689. Under this regime there was established a Supreme Court for New England with Joseph Dudley as chief justice.

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The uprising of April, 1689, resulted in the downfall of Andros, and the collapse of the consolidated New England government. The New Hampshire towns were left to their own devices. After several unsuccessful attempts to effect a local confederation, recourse was had to another union with Massachusetts Bay, which was perfected by mutual compact, in February, 1690 (N. S.). This union continued till 1692, when the royal government provided, by a new charter for Massachusetts, and by a commission for New Hampshire, for a colonial government for one, and for a re-establishment of the province for the other. In this period of about three years of temporary home rule, the courts of Massachusetts, as existing prior to the so-called Dudley-Andros usurpation, were re-established, and the judicial history of Massachusetts Bay and New Hampshire are identical.

The act of 1692, reorganizing the courts under the new provincial government, provided for a Supreme Court of Judicature composed of a chief and three associate justices, to have cognizance of all pleas, civil, criminal and mixed, as fully and amply as the Court of King's Bench, Common Pleas and Exchecquer, within their Majesties' Kingdom of England, have or ought to have; also that there should be a Court of Chancery with power to hear and determine all matters of equity within the province. This court of chancery consisted of the governor and council, the governor having the right to nominate a chancellor to serve in his stead. This act, and the system established under it, remained in force until 1699. Reforms were effected under the judiciary act of this year, by which a new court was established in place of the Supreme Court and described as the Superior Court of Judicature, with a chief and three associate justices as formerly, and with a similar jurisdiction. This court was given, by the act, a modified equity

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jurisdiction. Whether the chancery jurisdiction of the governor and council continued after this date is a historical question, which has had careful consideration by the modern courts in several leading cases. (Connecticut River Lumber Co. & a v. Olcott Falls Co., 65 N. H. 290; State v. Saunders, 66 N. H. 39, and cases cited.)

The courts having now become established on a permanent and satisfactory basis, there is little of interest or importance to note in the ontline of the judicial history of the province during the three quarters of a century which elapsed before the war of the Revolution. An examination of the English archives develops one fact, however, which is not easily explainable. In 1706, according to the records of the Privy Council, it appears that the New Hampshire judiciary act of 1699 was disallowed; it was, nevertheless, included, in 1716, in the first general printed compilation of the province laws, and was recognized, in each subsequent compilation, as the law governing the constitution of the courts, until it was formally disposed of by a general repealing act in 1792. In the main its general provisions were re-enacted at that time and were continued till 1813, As to jurisdiction over parties and causes, as to rules of procedure, methods of trial and the construction of the court, no radical changes are apparent for a period of more than one hundred years.

During the war of the Revolution litigated questions were held largely in abeyance, and the period was not one of judicial development or activity in the state. The judges were men of action and affairs and not specialists in jurisprudence, reformers of methods of administering the law, or creators of improved judicial systems. As the strain of war relaxed, the people began to give attention to questions of titles, boundaries and general property. Debts had multiplied beyond computation, and a depre-

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ciated currency had made havoc of values. A rigorous code for the enforcement of judgments by levies on persons and property, with exemptions and exceptions too trifling and inconsiderable to require specification, was available to the creditor class, and the courts were made unwilling instruments for harassing the poor and punishing the unfortunate. Happily the system of trial by jury and the great good sense and practical philanthropy of the judges, about half of whom in the highest court being laymen, did much to preserve the fabric of government and grant deliverance from anarchy in those days of material depression and political uncertainty.

A new constitution was framed and ratified by the people in 1783 and took effect in 1784. By the terms of this instrument a distinct advance was made towards the establishment of the independence and integrity of the courts by provisions for a permanent tenure, by the requirement of an honorable salary, and the establishment of a distinct line of demarcation between the three powers of government. The constitution of 1784 has been continued to the present with only such modifications by amendments as have emanated from four conventions, those of 1790–92, 1850–51, 1876 and 1889. The principal provisions for the establishment and regulation of a judiciary made by the constitution of 1784, were not altered in any essential degree by these amendments. The changes which have occurred have been of a statutory character, and those growing out of undisputed usage and custom. On the adoption of the Federal Constitution in 1789, the state court was relieved of a part of its jurisdiction by the establishment of federal courts. The Superior Court also found itself in frequent conflict with the General Court, which attempted to overturn judgments and grant new trials. An actual collision occurred when the General Court attempted

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the impeachment of one of the judges of the Superior Court. Amendments were proposed to the constitution providing for the establishment of courts of equity by unequivocal constitutional authority; the simplification of the methods of court procedure; the reduction of the number of courts and court officials; and the defensive limitation of the right of reviewing adjudicated actions and granting new trials and the transfer of that power from the legislative to the judicial department of the government. These amendments were rejected by the people, but the principles embodied in them subsequently became subjects of more friendly legislative consideration and permanent enactment.

In the period between the adoption of the amendments to the constitution in 1792 and the establishment of the new judicial system of 1813, the courts were subjected to transitions in the direction of better administrative methods and other reforms that were important and varied. The influences which promoted these results were complex. Political causes contributed. A better and broader appreciation, on the part of the people, of the necessities of good government, affected legislation touching the compensation of judges and the efficiency of the courts. The ancient court of sessions, which had civil and criminal jurisdiction in each county, within certain limitations, was abolished in 1894, and its duties transferred to the Court of Common Pleas. The Superior Court effected another advance by its own self-assertion. In 1791 the General Court passed an act restoring a previously unsuccessful party to his law, according to a current phrase. The court denied a new trial, declaring the act to be unconstitutional, and, in 1817, when another such act was passed, the court again declared its unconstitutionality, thus dealing an effective and fatal blow to this venerable abuse of

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legislative power. The political conditions of this period were as restless and turbulent as the storm-swept ocean, and they had their influence on the courts.

In 1813 the Federalists found themselves in power in all departments of the government for the first time in several years. They proceeded at once to reorganize the judiciary. At the June session of the legislature an act was passed by which the old courts were abolished, and every superior and inferior judge was deprived of office. A new Superior Court of Judicature was established, and two circuit courts were substituted for the six county courts of common pleas. The act contained valuable reformatory provisions, such as the establishment of a law term, and the permitting jury trials to be conducted by a single judge. This legislation marks the beginning of a new era. The Superior court of Judicature had come down from colonial times, and the state constitution had only affirmed its existence. The new court of 1813 was created by state authority. This legislation caused great excitement, and was denounced as revolutionary by the opposing Democratic party (then termed Republican). It did, indeed, make a vicious precedent in the direction of political interference with the integrity and stability of the courts, which has since been invoked to the detriment of the independence of the judiciary of legislative control. Some of the judges of the old court ignored the legislation by which they had been superseded, and attempted at first to exercise judicial functions; but their conduct was regarded as farcical, and, in a short time, the court procedure settled in its new courses without serious friction. When the Republicans returned to power, in 1816, though they removed the judges appointed three years earlier, by address under orthodox constitutional forms, they also created a new judicial system by legislative act, in order to

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place their own partisans on the bench; but the substance of the reforms, which had been accomplished under the act of 1813, was left undisturbed.

The ability and character of the court, down to the next political change, in 1855, was never seriously questioned, even for political purposes, and the consistency, perspicuity and great learning of its reported decisions gave it credit and authority, second to no other in the Union. The publication of reported decisions was begun in 1816, and has since been maintained uninterruptedly. During considerable parts of this period, the Superior Court was concerned only with its law jurisdiction, the *nisi prius* business being conducted by circuit courts, sometimes with county organizations and sometimes by districts. Changes were frequent, both in the legal constitution, personnel and jurisdiction of these subordinate courts. The principal legislation in this time, affecting the highest court, was the act of 1832, abolishing the general courts of common pleas, and creating a local court of common pleas in each county. The number of Superior Court Justices was increased to four, with the provision that one should hold the term of common pleas in conjunction with two local judges in each county. Legislation of 1849 required the Superior Court to consist of one chief justice and four associate justices, and the common pleas to consist of the justices of the Superior Court and the judges of the common pleas appointed for each county. By the act of 1851 the number of justices of the Supreme Court was reduced from five to three.

In 1854–55 came the political upheaval, brought about by various causes, of which *Know Nothingism*, so-called, appeared to be the most potent factor, and with it a reconstruction of the judiciary, and a court of a changed political complexion. The court of last resort, composed

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of five judges, was named the Supreme Judicial Court, and a Circuit Court, consisting of a chief justice and two associate justices, was also constituted. In August, 1859, this latter court was abolished, a re-assignment of the circuit work was made, and the judges of the Supreme Judicial Court, their number being in the same act increased to six, assumed the business of the trial terms. In 1870 and 1873, the Democratic party was given representation on the bench, an innovation, which might well have made the party hesitate about disturbing the judiciary when it found itself in power in 1874. It followed, however, the precedents of political warfare in New Hampshire, abolished the Supreme Judicial Court, and established in its place two courts, one a Superior Court of Judicature with a chief justice and two associate justices, and another a circuit court, also with a chief justice and two associates. It was forseen that the circuit work could not be performed by three justices at *nisi prius*, and that assistance would be required of the judges of the Superior Court. The latter were authorized to sit in the trial terms, and the members of the circuit court were to act in the law term, to make a quorum when the judges of the law court had become disqualified by sitting in the court below. Thus in practice the separation of the business of the court and its apportionment between a law court and a trial court did not proceed farther than the title of the act. The Superior Court, by refusing to interfere in certain contests over seats in the state senate, in 1875, became involved in a conflict between the political parties. In 1876 came another political overturn, and with the accession of the Republicans to power, the judiciary legislation of 1874 was repealed. There was a fresh reorganization of the judiciary. The act of 1876 was simple and comprehensive. The functions of law appeals and *nisi prius* were

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assigned to a single court. The judges individually were required to hold the trial term, and collectively to assemble at the capital for the determination of issues of law in banc. In the personal constitution of this court the principle of the recognition of both political parties was re-endorsed by the appointing power. In 1877 the number of associate justices was increased from five to six, and these were divided equally among the two political parties. The court has had before it various political questions growing out of important election contests and other partisan rivalries. The popular judgment upon its action in this regard has been, as is usual in such cases, a clamorous confusion of vigorous dissent on the one side, and equally pronounced approval on the other. The increase in the volume of wealth, the growing complexity of social and business affairs, the extension of the domain in which corporations exercise their functions, and serve the ends of business enterprise, the enlargement of the necessities for and additions to the subjects of taxation, and the application and adjustment of new legislative and constitutional provisions to the changing and advancing conditions of modern progress have made extraordinary demands upon the courts of last resort during the last twenty-five years. It is no exageration to say that the Supreme Court of New Hampshire has dealt successfully with all these questions. The period has been prolific in issues demanding the most perfect judicial qualities—courage, discretion, learning and statesmanship. The state is honored by this patient, honorable, intelligent and judicial mastery of all these occasions, which proves the integrity of free institutions, and vindicates the principle of self government by a free and intelligent people.

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JUDGES OF THE *SUPREME COURT OF THE PROVINCE OF NEW HAMPSHIRE.

FROM 1692 TO 1776.

PREPARED BY J. W. FELLOWS, ESQ., OF MANCHESTER, N. H.

CHIEF JUSTICES.

1693–1694. Richard Martyn	1716–1717. John Plaisted
1694–1696. Nathaniel Weare	1717–1726. Samuel Penhallow
1696–1697. Joseph Smith	1726–1732. George Jaffrey
1697–1698. Peter Coffin	1732–1742. Henry Sherburne
1698–1699. Joseph Smith	1742–1749. George Jaffrey
1699–1708. John Hinckes	1749–1754. Ellis Huske
1708–1716. William Vaughn	1754–1775. Theodore Atkinson.

ASSOCIATE JUDGES.

1694–1697. Robert Wadleigh	1726–1730. Peter Weare
1694–1696. Joseph Smith	1729–1732. Andrew Wiggin
1694–1697. William Partridge	1730–1738. Nathaniel Weare
1697–1698. John Gerrish	1732–1740. Nicholas Gilman
1697–1698. Job Clements	1733–1737. Benjamin Gambling
1698–1699. Kingsley Hall	1739–1749. Ellis Huske
1698–1699. Sharach Walton	1739–1740. Joseph Sherburne
1698–1699. Richard Hilton	1740–1747. Samuel Gilman
1699–1714. John Gerrish	1740–1742. Thomas Millet
1699–1712. Peter Coffin	1742–1747. Jotham Odiorne
1699–1716. John Plaisted	1747–1771. Thomas Wallingsford
1712–1729. Mark Hunking	1747–1775. Meshech Weare
1714–1717. Samuel Penhallow	1749–1758. Joseph Blanchard
1717–1726. George Jaffrey	1763–1775. Leverett Hubbard
1717–1724. Thomas Packer	1771–1775. William Parker.

The data for forming an accurate list of judges prior to 1776 are limited. This list is based on the one printed in Morrison's New Hampshire Digest, 1890, which was prepared by the late Hon. Charles H. Bell, whose name gives assurance of all practicable accuracy. See also 1 N. H. Rep. 388; 39 N. H. Rep. 4; 8 Coll. N. H. Soc. 317, 347, 379 and 393.

It does not appear from the record that the office was vacated by Chief Justice Hinckes in the four years 1704–1708, though he did not sit as judge, and probably was absent from the state. 8 Coll. N. H. Hist. Soc. 363. Bell's Bench and Bar of New Hampshire.

SINCE THE INDEPENDENCE OF THE COUNTRY IN 1776.

CHIEF JUSTICES.

1776–1782. Meshech Weare	1855–1855. Salter Woods
1782–1790. Samuel Livermore	1855–1859. Ira Perley
1790–1790. Josiah Bartlett	1859–1864. Samuel Dana Bell
1790–1795. John Pickering	1864–1869. Ira Perley
1795–1802. Simeon Olcott	1869–1873. Henry Adams Bellows

*This term is descriptive of the character of the Court, rather than its name. In the Constitution the highest law court is called "The Superior Court" and the Superior Judicial Court." In statutes passed from time to time, it has been variously termed "The Superior Court of Judicature," "The Supreme Judicial Court," and "The Supreme Court."

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1802–1809. Jeremiah Smith
1813–1816. Jeremiah Smith
1816–1838. William M. Richardson
1838–1848. Joel Parker
1848–1855. John James Gilchrist
1855–1859. George Yeaton Sawyer
1859–1873. Jonathan E. Sargent
1873–1874. Jonathan E. Sargent
1876–1896. Charles Doe.
1896–1898. Alonzo P. Carpenter
1898–1898. Lewis Whitehouse Clark
1898–..... Isaac Newton Blodgett.

ASSOCIATE JUSTICES.

1776–1785. Leverett Hubbard
1776–1782. Matthew Thornton
1776–1781. John Wentworth
1782–1783. Woodbury Langdon
1782–1790. Josiah Bartlett
1783–1785. William Whipple
1784–1797. John Dudley
1786–1791. Woodbury Langdon
1790–1795. Simeon Olcott
1791–1803. Timothy Farrar
1795–1796. Ebenezer Thompson
1796–1798. Daniel Newcomb
1797–1799. Edw. St. L. Livermore
1798–1809. Paine Wingate
1799–1809. Arthur Livermore
1803–1805. Wm. King Atkinson
1809–1813. Richard Evans
1810–1812. Jonathan Steele
1812–1813. Clifton Claggett
1813–1816. Caleb Ellis
1813–1816. Arthur Livermore
1816–1819. Samuell Bell
1816–1823. Levi Woodbury
1819–1840. Samuel Green
1823–1833. John Harris
1833–1838. Joel Parker
1833–1842. Nathanial G. Upham
1838–1840. Leonard Wilcox
1840–1848. John James Gilchrist
1840–1855. Andrew Salter Woods
1848–1850. Leonard Wilcox
1849–1859. Ira Allen Eastman.
1849–1859. Samuel Dana Bell
1850–1852. Ira Perley
1855–1859. George Yeaton Sawyer
1859–1873. Jonathan E. Sargent
1856–1861. Asa Fowler
1859–1869. Henry Adams Bellows
1859–1874. Charles Doe
1859–1870. George W. Nesmith
1861–1867. Wm. Henry Bartlett
1867–1874. Jeremiah Smith.
1869–1874. Wm. Lawrence Foster
1870–1876. Wm. Spencer Ladd
1873–1874. Ellery Allbe Hibbard
1874–1876. Isaac William Smith
1876–1881. Wm. Lawrence Foster
1876–1884. Clinton W. Stanley
1876–1877. Aaron Worcester Sawyer
1876–1880. George Azro Bingham
1876–1893. Wm. H. Harrison Allen
1877–1895. Isaac William Smith
1877–1898. Lewis Whitehouse Clark
1880–1898. Isaac Newton Blodgett
1881–1896. Alonzo P. Carpenter
1884–1891. George Azro Bingham
1892–..... William Martin Chase
1893–..... Ira Colby [declined]
1893–..... Robert Moore Wallace
1895–..... Frank Nesmith Parsons
1896–..... Robert Gordon Pike
1898–..... Robert James Peaslee
1898–..... John Edwin Young

THE SUPERIOR COURT OF JUDICATURE.

1874 to 1878.

CHIEF JUSTICE.

Edmund L. Cushing.

ASSOCIATE JUSTICES.

William Spencer Ladd, Isaac William Smith.

CIRCUIT COURT.

1874 to 1876.

CHIEF JUSTICE.

William Lawrence Foster.

ASSOCIATE JUSTICES.

Edward Dean Rand, Clinton W. Stanley.

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"PHYSICIANS—EXPERT WITNESSES." "SOME REFORMS."

BY HENRY WOLLMAN, ESQ., OF THE KANSAS CITY BAR.

Human testimony is extraordinarily fallible, and judges and experienced lawyers do not ordinarily permit it, when segregated from the probabilities, from letters, papers, documents and the physical facts, to determine them in their decision as to what is right and what is wrong. But the public, more confiding, more trusting—less observant—far less experienced, does have a very high opinion of the correctness and truthfulness of testimony given in court; but never when it comes to the testimony of experts. That is the subject of everybody's sneer, and the object of everybody's derision. It has become a newspaper jest. The public has no confidence in expert testimony.

In discussing expert testimony, I shall confine myself to the expert testimony of physicians, although what I shall say will apply to a great extent to all expert witnesses—handwriting experts, chemistry experts, and those swiftest of all experts, (except insanity experts,) real estate agents testifying to value.

What I shall say is not intended to apply to the testimony of all physicians. A great many, by the straightforwardness of their testimony, by their truthfulness, candor and impartiality, challenge the respect and admiration of every one. The good things a man does in life, though extending through decades, do not fix his reputation as much as the bad things, though extending only through minutes. Fifty years of right doing are often forgotten by

Read before the Medico-Legal Society, April Meeting, 1899.

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the public when it learns of one moment of wrong doing. So it is with the medical and legal professions—they are seldom given full credit for the good they may do, but are blamed and held responsible for the wrong doing of a few. Therefore it is to your interest, more than that of any one else, to have whatever is reprehensible and discreditable in connection with expert testimony, remedied and corrected, and adequate reforms instituted.

In expressing my views here about some of the members of the medical profession, although they may be your own views, I may find myself in the position of a Missourian who went into Kansas many years ago, during the time when James H. Lane was the United States Senator from Kansas, and when, as you all know, it was fashionable for nearly everybody over there to abuse him. This Missourian walked into a group of excited street corner politicians, and heard a great big fellow abusing Lane most vigorously and viciously. This Kansan expressed the Missourian's sentiments to a letter, but the Missourian felt that he ought not to stand by in idleness, so he went at it himself, and he took a few very vigorous shots at Lane's reputation. The Kansan immediately turned around and thrashed him within an inch of his life, and when the Missourian came to he asked the Kansan, "Why did you lick me; I didn't say anything worse about Lane than you did?" The Kansan replied, "I know that—it's all right for me to talk that way about the United States Senator from my state, if I want to, but I don't propose to let any damn Missourian come over here and talk that way about our Senator."

There is much in the manner of physicians testifying that weakens their testimony.

The most important thing for a witness is to impress the judge and jury with his absolute sobriety of thought, his

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earnestness of purpose, and his unquestioned sincerity. The average physician permits himself, on the witness stand, to be drawn quickly into a fencing match with shrewd counsel, and while it is true that the doctor often gets away with the lawyer, because he knows more about what he is talking about than the lawyer, and is often able to crack an exceedingly biting, bitter and galling joke, at the lawyer's expense, still every time he does it, he has weakened himself with the jury. They regard him as a sharp man, and as a rule people do not readily trust sharp men.

Within the past two weeks one of the leaders of our bar, who is as homely of face as he is strong of intellect, and who deservedly commands the respect of every one, was very vigorously cross-examining a plaintiff, and said to him, "If I came into your place and offered to sell you certain paper, and you could buy it very cheaply, you would do so without asking any questions, wouldn't you?" The plaintiff (witness) quickly, gloatingly replied, "No, I wouldn't buy it of you at all. I wouldn't buy anything of a man with such a face as yours. I would be afraid to deal with you." Every member of the jury knew the lawyer and knew how cruel, unkind and undeserved such a remark was. The plaintiff had stabbed the lawyer, but he lost his case.

When the temptation is on you to crack a joke, on the witness stand, remember that as a rule we laugh at jokers when that becomes their predominant characteristic, but we do not have any great amount of faith in them. Take the clown in the circus; take the comedian on the vaudeville stage; he makes you forget your troubles, your trials and your tribulations; he makes your very sides split with laughter, but you don't care to associate with him. You rather pity him.

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Every lawyer will tell you that every time a witness, on his side, cracks a joke, that instead of laughing he feels like fighting. I can illustrate this very well by a story that is somewhat apropos. I had a case in our circuit court in which I sent to the Indian Territory to get a witness who had formerly been a merchant in this city. He was to be the star witness of my side. When he got on the witness stand I asked him what his business was, and he commenced laughing and said, "Killing Indians." What he meant to imply was that he was selling liquor at wholesale, and that that was his method of killing the Indians. The moment he gave that answer the court room became convulsed with laughter; everybody laughed; he laughed himself; that sort of fools always laugh at their own jokes; even the judge laughed, but after that no one paid any serious attention to his testimony. They did not regard him seriously; they did not believe what he said. He had indirectly told a lie in cracking his joke, and the jury simply thought he was a lighthearted, joking sort of a fellow, who would sacrifice any and everything for the purpose of getting off a joke.

Naturally and necessarily lawyers understand human nature thoroughly. Next to their knowledge of the law, their knowledge of human nature is their most important stock in trade, and they know that if they can provoke a doctor into saying sarcastic, sharp, savage things, or cracking jokes, that they have robbed his testimony of its most important qualities, and have destroyed its influence with the jury.

Suppose you were sitting on a jury, and two men were testifying, one a quick, sharp, bright, flippant, joking, sarcastic man, and the other an old-fashioned, slow thinking, slow talking farmer, and they two were the only witnesses,

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some way or other, you don't know just how, but you would believe that old farmer every time.

The witness, testifying as an expert, must be cautious, careful, serious, old-fashioned, you might say, about what he says, and he will carry conviction. I would again warn you against getting into a duel of words with counsel, saying cutting things to a lawyer, although he may have earned it, or cracking jokes. Let the jury think you are a little slow, if they only think you are honest and sincere, and know what you are talking about.

The next objection that I would urge to a great deal of testimony, is the unfortunately vain desire of many of the younger professional men to show off. They allow their desire for ostentation to get away with them. They answer questions by delivering essays, when a short "yes" or "no" would be just as well. They use big words; they endeavor, in any and every way, to impress upon the jury that they are the real thing, and that they know it all. Now, twelve sensible men, whether highly educated or not, will get a man's measure pretty quickly: They will know, after they hear him talk ten or fifteen minutes, whether he really knows what he is talking about, or whether he is using a great big lot of fancy words to mystify them. The truth of it is you can't fool them, and testimony couched in the plainest, simplest language possible, is what will impress itself upon the jury.

Don't volunteer information. If the side that calls you hasn't sufficient ability to ask you the proper questions, that is neither your fault nor your business. When the question is asked, then answer it concisely and simply, using language that will carry the information to the jury, who are drawn not alone from the universities and colleges, but from the anvil and the plow. Talk as you would if you were teaching a kinder-garten. In every in-

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stance let the size of your words be measured, not by a vain desire to display your learning, but by the capacity of your audience to grasp their meaning. A man is much safer talking in a lower intellectual scale, than his audience really demands, than talking above their heads.

If there is anything I abhor in a lawyer's argument, or in a doctor's testimony, it is a great big lot of Latin words. What are you on the witness stand for? To state to the jury, in language which they may understand, just what you are trying to get at, and what the side that called you is endeavoring to prove. But what do we find? A physician is put upon the stand, and he is asked to describe someting to the jury; he uses all sorts of high-sounding terms and expressions and Latin phrases, that nobody, except some other physician would understand. His testimony carries little or no weight with it. How can it? You might as well be talking French to a lot of Fiji Islanders, or native Irish to a lot of Filipinos, as to talk Latin to the average juror.

The following account of an actual happening in an English court, is related in a little book, called "Hints on Advocacy," published first in England:

"I discovered considerable ecchymosis under the left orbit, caused by extravasation of blood beneath the cuticle," said a young house surgeon in a case of assault at the assizes.

Baron Bramwell: "I suppose you mean the man had a black eye?"

Scientific witness: "Precisely, my lord."

Baron Bramwell: "Perhaps if you had said so in plain English, those gentlemen would better understand you." "Precisely, my lord," answered the learned surgeon, evidently delighted that the judge understood his meaning.

I was in court once, when a very eminent member of your profession, and an honored member of your society; was called to testify as to whether a certain injury that happened to a boy was or was not a dislocation of his elbow joint. One of the physicians said that he knew it

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was a dislocation, because when he set it there was a cracking. This old member of your profession, who knows as much Latin as anybody, testified in English for nearly an hour, without ever using a single fancy expression. When he wanted to speak of an arm, he called it an arm; a finger, he called it a finger. He ridiculen the idea that this cracking proved that it was a dislocation. He held up his own great big hands in front of the jury, and said, "See me crack my fingers; now they are not dislocated." He could have talked all the Latin there is in the books for one week to that jury, and he could never have made it clear to them just what he meant. as he did by holding up his hands, and giving them ocular proof of the truth of what he was saying, by explaining the thing to them in a homely way, which they readily understood.

Isn't just as easy to say knee, or elbow, or foot, or head, as to use the Latin words meaning the same thing? To most of us it would be much easier. Your object certainly must be to win the jury to your way of thinking; you must, therefore, get down and speak to them in language that they can understand, and that is plain, good, old-fashioned English. As I understand it, there is scarcely a part of the human body that has not a perfectly proper and adequate English name, and if that be true, I think that the only safe way to do is to always use those English names and drop the Latin, on the witness stand.

My idea is that many doctors feel, about using Latin to juries, like a little story that they tell about Henry Clay. They say that he was delivering an address down in Kentucky, (I don't vouch for the truthfulness of this story), and just as he was about to close, one of his friends stepped up to him and said, "Give them a little Latin; they are used to having all their speeches closed with a little Latin." Clay, in the excitement of the moment, could

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not think of any Latin, so he wound up by saying, "My friends. I can close this address in no fitter way, than by quoting to you the expression of the great Latin scholar, Cicero, whom you all remember, 'Mozambique, Mozambique, Mozambique.'" And they say that they didn't get through cheering that "Latin" quotation for nearly twenty minutes. But, my friends, that isn't the effect that Latin quotations have upon the witness stand. Jurors may mentally cheer them, but they go with the side they understand.

The next great objection I would urge to all expert testimony, is its intense partisanship. There isn't a moment, scarcely, when everybody around the court room does not feel that the expert witness is simply the hired advocate of one side or the other. His position is really a judicial one; he is expected to consider the matter in dispute, absolutely judicially, and give a fair and non-partisan decision as to what is right, and what is wrong. If the jury could believe that, his testimony would carry great weight, but let him get upon the witness stand and at once, if he is called by the plaintiff, begin to magnify the injuries, or, if he is called by the defendant, to swear as hard as possible, that there is nothing at all permanent about the injury, that it is a thing that will quickly wear away, a mere passing shadow, and if there is a possibility of his favoring the side that called him, go to the very limit of partisanship, and the average witness is not capable of concealing his partisanship and his bias, the result is no one believes a word he says. Of course, when once the jury believe that the testimony is not fair, but it is colored by some motive, it losses its force and its weight.

But really the thing that destroys the entire weight of expert testimony, is that everybody knows, that in the great majority of cases, it is simply a question as to which

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party gets to the expert first. They tell a story on a learned member of our bar, who was being opposed in Ray county by the Nestor of that bar in a case that went from this county to Ray county on change of venue, and when the old Ray county Nestor sat down, after having made a splendid speech, the Kansas city lawyer got up and said, "Gentlemen, that was a great and a magnificent speech, and we would have had it on our side, if our telegram had reached our old friend, Judge Smith a few minutes before the other one did." Now that is exactly the way the public feel about the testimony of experts, it feels that the testimony is for sale to the first comer.

The public believes that expert testimony is a hired, a purchased commodity, and that the number of experts on each side is measured by the size of the purse of the respective sides. That it is just as easy to obtain the same expert on one side as on the other, if you only "have the price." That the expert has no conscientious scruples about the side he is on. That he doesn't think about the side, only the money.

But you may properly say to me, how is it that you, who belong to a profession that is ready to be retained by either side, without always going into the question of the merits or demerits of that side, how can you criticise any other profession for holding itself open to serve whoever may first employ its members, even as expert witnesses? The difference is this, we lawyers do not assume to act judicially; that is, we do not assume to say that we have examined both sides of this case, and that we testify under our oath, impartially, that the side which we represent is the right side. We assume that everybody understands our partiality; we are there to advocate our side, and to make it look the best we can. We do not pretend to give our opinions based upon the entire transactions, but in

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the best way we can, to fight for our own side. Our position is thoroughly understood and defined. We are not attempting a confidence game by claiming to be impartial, and then not being impartial. It is told, that Mr. Evarts once said that no better scheme had ever been devised for the doing of justice, than to permit each side, to hire an advocate who would proclaim the virtues of his side, and the vices of the other in the loudest tones possible, claiming everything he could, and then permitting the other side to do the same, and having an impartial judge and jury guess between the two.

A lawyer may be compared to the paid advertising column of a newspaper, where anybody can make any and every claim for its enterprise, the public understanding that it is leased to the advertiser. The doctor may be compared to the editorial columns because it is supposed to express the impartial unbought opinion of the editor, which should be priceless, and should never be sold. The expert witness does not admit that he is an advocate. He assumes that, before he became a witness he exercised the fairness of the judge. He says, I went to this place to see this man, without any preconceived notions, ideas or prejudices, and I found that he had a permanent or temporary injury. He assumes all the time that he is unbiased, and that the fee that he received does not color his testimony. It is for that reason that when the jury find that he is not judicial and fair, that they lose their respect for him and his testimony. The moment we would find that our judges were not impartial, the judiciary, which is the very foundation of our government, would go to pieces.

In a recent article in a leading legal periodical' "Case and Comment," this matter is discussed under the heading of "The scandal of partisan experts." In the course of the article, the following statements are made:

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But there is quite as strong a tendancy to subornation of perjury in the employment of experts to sustain one side of a case. * * * "Hired Liars," they have been called, and some of them earn the description. A remedy for the evil and disgrace of hiring prejudiced experts has been discussed by bench and bar, but without much result.

Many schemes, propositions and projects have been put forth for the remedying of all this. Nobody could realize more clearly than your own profession, the injury it is doing. Recently, through the kindness and courtesy of a medical censor, I was handed a medical journal in which there is an article in which it is stated that "expert testimoney, and especially medical testimony, has fallen into disrepute, and justly so, in many instances, on account of the way it has sometimes been procured and used in the courts; and yet it has been the desire of all right minded and competent men to free testimony from bias and all other difficulties as much as possible," and then latter on in the same article, it states, that "as a result of a discussion of these matters before the international Medico-Legal Congress in New York," the following draft of a proposed law was prepared by an eminent New York lawyer, in conference with a Maine Judge:

An Act in Relation to Expert Testimony: Section 1st. When in any civil or criminal proceeding it appears that the testimony of skilled experts may aid in determining any issues of fact, any justice of the court in which proceeding is pending may upon application of either party and after reasonable notice and hearing, appoint one or more skilled experts and make such reasonable examinations and tests in relation to the personal thing or subject matter involved as either party may request.

Section 2. Such expert may be examined as a witness at the trial by either party or by the court, and shall receive for his services and for his attendance at court a reasonable sum to be fixed by the court, and paid by the party making the application and be taxed in his costs if he recovers.

A law requiring a person to submit to a physical examination by a physician has been held to be unconstitional by the United States Supreme Court in the case of the Union Pacific Railroad vs. Botsford, 141 U. S. 250, in which case Mr. Justice Gray, delivering the opinion of the court, said:

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The inviolability of the person is as much invaded by a compulsory stripping and exposure, as by a blow. To compel any one, and especially a woman, to lay bare the body, or to submit it to the touch of a stranger, without lawful authority, is an indignity, an assault and a trespass; and no order or process, commanding such an exposure or submission, was ever known to the common law in the administration of justice between individuals, except in a very small number of cases, based upon special reasons, and upon ancient practice, coming down from ruder ages, now mostly obsolete in England, and never, so far as we are aware, introduced in this country.

The same procedure, however, has been held constitutional by the highest courts of many states, and it is a question, on which the decision of the Federal Supreme Court is not controling. In Missouri, our Supreme Court has sustained the right to such examinations, so that we can and do have compulsory physical examinations, by experts appointed by the court, and it is a perfect farce. Our practice is exactly that proposed by those two learned gentlemen, and I say it is a farce. It doesn't amount to anything. We go into the circuit court, and we ask for the examination of the adverse party. As a rule the court appoints the physician whom we suggest to do the examining. We, of course, know in advance just what sort of examinations this physician is going to make, and just what sort of testimony it will be. The lawyer asking his appointment, knows the strength of his vision, when necessary, and knows that at the other times he verifies the adage, that "there are none so blind as those who won't see." This "impartial expert," appointed by the court, is no more the court's examiner and the court's expert than the man in the moon. He is simply the partisan expert of one side, whom counsel are endeavoring to give a little standing, and credit, by having his appointment confirmed by the court.

I have in mind one corporation in this city, which constantly gets the court to appoint exactly the same "impartial, disinterested" examiner to go out and examine the

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plaintiff. Well, do you think that he is fooling anybody? Don't you think that very soon the jury are in possession of the fact that this man is always testifying on the same side, and that he gets his appointment constantly through the same influences, and for the same reason? Even if this law did really supply one or two impartial experts, it would not correct the evil, for it would leave them to be overwhelmed by the experts which either side could procure just as freely as ever. I question whether any legislative enactment could prevent a party from putting in such expert testimony as he can pay for, as long as he is able to get it.

Our experience here has shown that the law here suggested would correct no evil, and work no improvement.

I recognize, as must every man who is abreast of the times, that such societies as this are most powerful agencies for the keeping of members of your profession within correct lines, and forcing them to live up to a high code of ethics. Boards of trade. stock exchanges, live stock exchanges, are able to force their members to live up to the most rigid code, and to observe the highest standard. They are able to make the meanest man's word as good as the best man's bond. No shirking of obligations, no equivocations, no squirming, are permitted. No resort to law is necessary. They are so powerful within and of themselves, that the Golden Rule is recognized by even their worst members, as an absolute necessity, if he wishes to stay in. Of course, you cannot be as powerful as they are; because a man can practice medicine without being a member of a recognized medical society, but you can do much more than you now believe.

If a man were driven for his experts to a society like this, he would make a very sorry showing in court, for juries understand who are the eminent physicians of a

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city. A well-known name is worth more dollars than an unknown name is worth dimes. Therefore, if your medical societies like this would get together, you could very readily bring about a reform, that no law passed by a legislature could accomplish. Whatever legal measures are passed by legislatures, will be evaded as easily as our present method of having our court appoint an examiner. The remedies must come from within societies like yours. Let me suggest this: that each of your medical societies appoint five or six members, who shall act as experts, say for a term of six months, and none of whom shall ever see anybody with a view to becoming an expert, except when he is acting as a member of your committee; and then, say that three members of the committee shall go together to make the examination. Require the party who wishes the expert testimony to deposit a reasonable sum with your treasurer, and let that money be the sole compensation of the committee for making the examination, except what the law allows them as ordinary witness fees, and then let every other member of your societies refuse positively and unequivocally to do anything with a view to becoming an expert witness. The parties will then be driven, if they want eminent experts, whose worth will be recognized, to get them through your societies. The party who applies to you for the services of your experts, must be exceedingly sure of his case, for your committee, being absolutely fair and impartial, will not have any reason or motive for favoring him, and will not do so. The man pays as much for an unfavorable as for a favorable decision. The committee will have nothing to gain by going on the stand. Their pride and honor can be relied upon not to turn a man down just to get out of going on the witness stand. A man will always be sure he can get the best quality of expert testimony in a straight case. In

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a crooked case he will be unable to buy it from physicians of recognized standing.

The courts undoubtedly, when application is made to them to appoint medical experts to make a physical examination of witnesses, under our present practice, would recognize your committee. The courts fully recognize bar associations, although seldom incorporated, and when a man applies for admission to the bar, the court appoints the examining committee of the bar association to conduct the examination. I have never known of a case where the court has admitted a man whom the bar association reported unfavorably, or refused to admit one whom this committee reported favorably. So I think that there will be no trouble in getting all the courts to say that they will never appoint any physician to conduct these examinations unless he is a member of the regnlar committee of a recognized medical society, and as this matter as to who shall be appointed lies in the discretion of the court, the courts could legally make and enforce such a rule. Even if the courts didn't recognize your committees, as I am quite sure they will, still they couldn't force any member outside of your committee to look at a case with a view to becoming a witness.

As a business proposition, it has always seemed to me that a busy physician really loses more time by becoming an expert witness; that is, that the length of time that he puts in in visiting the case, consulting the lawyers, waiting around the court room, and testifying, does not make it at all profitable for him, so that I think there will be no loss of money to you by your failure to become expert witnesses, and it seems to me that this proposition I have just advanced, if your society would be rigid, and your members would recognize its authority, as they undoubtedly will,

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would be a great cure for the evil that is certainly disgracing the medical profession.

What I have said about physicians testifying, does not apply to the physician who actually sees the case during the illness—that is, to the attending physician, I think, as a rule, when he talks English to a jury, and handles himself right, the jury understands that he is on the witness stand not because he wants to be, or because he was hired to come there, but because in answering a professional call, and in responding to a professional duty, he saw and heard things which he could not help seeing and hearing, and that he is there simply to tell what he knows, the same as any other witness. There is not, and ought not to be, any check put on the attending physician fully and fairly testifying to all he saw and heard, except, of course, that he must not violate professional confidence by testifying without the consent of his patient.

The constant cry is, that in this commercial and business age, all the professions are becoming commercialized. Lawyers doctors and preachers can no longer be distinguished from others by their dress or by their manners. It is no longer considered a "cute" thing for a lawyer or a doctor not to pay his bills, in fact it is rather disgraceful. Doctors are measured, to a great extent, whether rightfully or wrongfully, by the amount of their professional income. A doctor must make his visits short, but effective. He must really be a combination of a business man and a physician. Never, however, has the standard of professional knowledge been as high as it is now. Physicians know more now than they ever did. The physician must be a polished, educated gentleman. The business man himself has become much better educated. Business men used to look with contempt upon a college education, and yet to-day they are becoming the most important leaders

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in all public affairs, and one who uses bad grammar and club-footed English, and shows a lack of breeding and education, while he may be a king in his own counting-room, is looked upon with contempt elsewhere.

The spirit of commercialization does one thing. It raises the standard of honor. Business men know that they can't succeed where their credit is gone, and their word is not taken; therefore, however keen they may be for dollars, however much cupidity they may have, however much avarice they may possess, still once they give their word it must stand. Contracts involving fortunes are made verbally, but the man who pleads that they were not in writing, is put under a ban. The market may go up, or it may go down, but business men of high position live up to their contracts, regardless of loss or gain.

In my own profession, lawyers are trusted with enormous fortunes and great sums, without a bond, or without any assurance of any kind, except that their professional pride and their professional honor will always stand as a barrier between them and unfaithfulness to the trust reposed in them.

Now, shall it be said that a learned profession like the medical, composed of educated, refined gentlemen, in this age of commercialization, has become commercialized to the extent that it itself has become the object of barter, and its members the subjects of purchase and sale? No! Let it be the constant aim of every member of the profession to stop this thing, and to make it impossible for any one to get any physician to go upon the witness stand, not as the impartial judicial narrator of what, because of his learning and skill he is able to see, where the eyes of the less experienced and more unlearned can discern nothing, but as the paid, partial and biased advocate of one who thus puts a price upon his honor.

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When duty calls, a true physician knows naught else. Beneath the coldest sky, under the hottest sun, wherever there is pain and suffering, there he is.

The darkness of the darkest night, the fierceness of the fiercest storm, do not deter him. Amidst the terrors of the direst epidemics, and the horrors of the most dreadful plague, he forgets his own safety, and his own life becomes as nothing compared to that of his patient.

On every battle field, under every flag, midst shot and shell, he answers humanity's cry, whether from the lips of friend or foe. In poverty's darkest hovel, he ministers to the sick, and gives cheer to the afflicted, without fee or price or hope of reward on this earth.

He is the repository of the most sacred of family secrets; he never betrays them. Membership in such a profession, so noble in its aspirations and practice, so self-sacrificing, ever and always recognizing duty as its watchword and guiding star, should make one too proud to ever let it be said, that his testimony on the witness stand comes not from the lips of the consientious, but from a man, who, forgetting duty, is for the time being, proving to his golden master, that the laborer is worthy of his hire.

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THEORY OF CONTACT SHOTS. THE CASE OF FRANK N. SHELDON. ITS SEQUEL.

BY WILLIAM B. CHISHOLM, ESQ., AUBURN, N. Y.

On April 30, 1896, the dead body of Mrs. Eva Remington Sheldon, was found in the pantry of her home in the town of Brutus, Cayuga County, about eight miles east of Auburn, New York. A bullet through the brain had done the fatal work. She was last seen alive shortly after breakfast, about which time her husband, Frank N. Sheldon, drove to Jordan, Onondaga Co. She was found by her husband on his return, at 11:30 o'clock of the forenoon. He immediately gave the alarm to his second son, who happened to be near by, having returned from his work in the barley field. His words to his son were: "Your mother is dead; she has shot herself."

The above recapitulation of an event which has already excited much attention in the medico-legal world, is purposely concise, as the ground of the ensuing trial and conviction of the defendant, Frank N. Sheldon, for wife murder, has been reviewed in these columns, the present writer having had the honor of appearing in the Medico-Legal Journal of June, 1897, shortly after Sheldon's conviction, in a paper entitled "The Case of Sheldon: The Theory of Contact Shots," which paper was read at the June monthly meeting of the society in New York. In this paper the proceedings in the case of Sheldon were reviewed, from the period of the alleged suicide to the first breath of popular suspicion, culminating in the widower's arrest, in-

Read before the Medico-Legal Society of New York, April 19, 1899.

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dictment by the grand jury of Cayuga County, and trial, lasting from January 25 to March 18, 1897; on which day, after having been out 84 hours, the jury finally rendered a verdict of murder in the first degree, and Frank N. Sheldon, the once prosperous farmer, and representative of one of the most prominent and honored families in central New York, stood up before Justice Dunwell to receive the awful sentence of electrocution.

That this sentence did not go into effect was due to the tireless fidelity and determination of his counsel, Robert L. Drummond, former district attorney of this (Cayuga) county, backed by the equally devoted efforts of his brothers, his sister and brother-in-law. It was alleged in the bill of exceptions that the judge had insisted on the jury coming to an agreement after they had twice disagreed. This point was ably and exhaustively argued, and the decision of the court of appeals on the subject adds another feature of interest to jurists, if not directly to medical experts, as furnishing a precedent in regard to the limitations of the court's initiative. A new trial was ordered. Sheldon was removed in June of last year from the prison to the custody of Cayuga County. His second trial, before the same justice, with the same counsel, pro and con, with most of the same experts awaiting the call of the state or defense, began on Monday, February 27th, 1899, in the court house at Auburn. It is a matter of passing interest to note that in the two years or thereabouts elapsing after the former trial, no new point of decisive interest, in favor of either the state or defense, has come to light; so that as far as known publicly, the district attorney, Hon. George W. Nellis, and the prisoner's counsel, Hon. Robert L. Drummond, returned to their legal tilt with the same general evidence as that brought forward on the first trial.

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The point in this case which particularly interests the medico-legal world is the pivotal point of the trial itself—the question of murder versus suicide. Could Mrs. Sheldon have fired that shot?—was it a physical possibility? The consensus of the expert surgical evidence for the state was distinctly against that possibility as it was shown that 6½ or 7 inches was the farthest point at which a person of her length of arm could have held the pistol, and the experiments with a revolver of the same pattern and same cartridge, furnished different phenomena on the surface of the cardboard or cadaver, at such distance, from those observed in the case of Mrs. Sheldon at the inquest and autopsy. On the other hand, Drs. A. L. Hall, of Fair Haven, and Totman, of Syracuse, for the defence, produced in court the record of experiments which pointed to a very different conclusion. A paper by Dr. Hall, in the "Transactions" of the Medico-Legal Society, coincidently with my paper, sets forth his position with great clearness, and he defined the wound as "a light contact shot." This paper, it will be remembered, was the subject of an animated discussion at the meeting of the society to which I refer, and remarks were made by Dr. Thomas Darlington, Dr. George W. Grover, Hon. Clark Bell, Judge Abram H. Dailey and the President—also a letter was read from Dr. J. N. Hall, a distinguished authority on gunshot wounds, of Denver, Colorado.

May I be pardoned for lingering a moment on the terribly dramatic features of this singular case? During the first week of the second trial over one hundred talesmen were examined for jurors, and of these a large part raised more or less strenuous objection to rendering a verdict of guilty on circumstantial evidence. One or two created mild amusement by admitting their total lack of confidence in expert evidence. It may be observed that the Board of

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Supervisors of Cayuga County showed some indications of a disposition to dispense with such evidence at the new trial, but this was in view of what was considered the great expense to the county at the first trial.

But finally a jury was secured, and on Monday morning, March 6, 1899, the second act of the great legal drama was regularly inaugurated. The opening was made by Hon. George W. Nellis, who between his former and latter appearance as district attorney in the successive trials, had served as an officer in the recent war. Two experts for the state, Drs. C. O. Baker and E. S. Forman, of this city, had passed away. The prisoner appeared after two years of confinement under the terror of that unknown quantity, his earthly future, wan, thin, eager, but imperturbably calm as ever. No word, no groan, no quiver, betrayed the agony of his daily ordeal, as of one, almost, who had risen from the dead, to buffet with life's worst billows again. Tuesday, Wednesday, Thursday came. On Thursday the evidence began to take on its darker shades. The eldest son, a witness for the state, was subjected on the witness stand to a most searching interrogation—in the course of which his former testimony was again wrung from him—that he had about 9 a. m. on the fatal day heard a shot from the direction of the house, while he was at work in the barley field, and that 15 or 20 minutes thereafter he had seen his father driving from the house on the road to Jordan; according to which evidence, Frank N. Sheldon must have been in or near the house at the time the shot was fired. It was brought out from another star witness of the state that while on the way to Jordan Sheldon had notified a peddler in his hearing that he need not call at his home that morning—that his wife was sick, and that they wanted no supplies anyhow.

This, the fourth day of the actual trial, was a bitter or-

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deal for the prisoner. He listened to the evidence of his first-born son with suppressed breath and eager, burning gaze. Shortly before the regular hour of adjournment he complained to his counsel of a nervous headache. Court was adjourned for the afternoon. The next morning, Friday, March 10, 1899, at half-past eight o'clock, a half hour before the time of his re-appearance in court for the ordeal of another day, his dead body was found suspended by strips of torn toweling to the bar of his cell and the famous case of the state versus Frank N. Sheldon was ended forever.

But the act of the prisoner, crazed by the terrors of his situation, haunted with the memories of a wretched life, witnessing, step by step, the coils of legal doom tightening around him more closely, has no special significance in the determination of the great expert question involved. As such opinions will continue to be divided, on the subject of direct surgical and scientific evidence, the case is thus left practically in the same attitude in which it has already interested the medico-legal world, and led to so much outside expert discussion. The deceased, so far from admitting his guilt by word or sign, left in a last word to his surviving family the written assurance of his complete innocence, and this disclaimer, dated several months before his death, was found on the morning of his suicide in his Testament. Of the unhappy cause of his domestic differences, the disturbing element in a once happy home, enough has been said and scattered broadcast over the wires during the progress of both trials. The woman in question was not summoned to the witness stand by the state or the defense on the first trial, and whether she would have been summoned in the course of the second trial, must now be only a matter of conjecture. The case now hangs upon the unsolved question of the distance at

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which the shot was fired. It is true that another hand might have held the weapon as close to her head as Mrs. Sheldon could have held it, but it is certain that the distance at which she could have held it is very limited and the experts demonstrated by experiments in court and entirely patent to the ordinary lay observer that the distance in her case, and indeed in the case of human beings generally, is from 6½ to 7 inches; beyond that the pistol must have been held by another hand. I would here repeat, as concisely as possible, that, employing the expert testimony of Mr. A. H. Hamilton, there were no evidences of powder stains, grains or smoke upon the ear; whereas in a shot with a pistol held against the head Mr. Hamilton testified that the hair was blown in every direction radiating from the wound. The skin was also burned. Hair and skin were thickly coated with a dense deposit of powder smoke. Drs. Creveling, Cheesman and Tripp and the late Drs. Baker and Foreman of this city witnessed such experiments at the Bellevue hospital, New York.

Dr. Tripp found little difference between a contact shot and four inches, save that the powder would spread more; but at seven inches the skin was thickly coated with powder grains; at 20 inches the grains would enter the skin. On the other hand Dr. Hall in his paper to which I have alluded contends that the experts for the defense have never been able to singe hair with the same kind of pistol and cartridges as in the Sheldon case at a distance exceeding five inches, and "at four inches singeing failed quite as often as it occurred and at even three inches noticeable singeing did not always occur. At a distance below three inches singeing was invariably present." Among evidences of near-fire he quoted: an area of singed hair as large as the thumb still remaining after free washing; loose powder grains in hair about wound, also over the top

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of the ear and temple without powder grains imbedded in the skin; a bruised or pounded appearance about the entrance of the bullet; singeing of a few hairs down to scalp immediately over the bullet aperture.

It would be impossible for me to attempt even a partial analysis of the volume of the expert testimony on this subject introduced at the first trial. There were the maps of the Sheldon homestead and environs, drawn with extreme care to illustrate the position of the elder son in the barley field, when hearing the fatal shot; diagrams of the house, and especially the fatal pantry; the testimony of General Charles R. Dimon, of Lowell, Mass., the cartridge manufacturer, as to the date of manufacture of the Sheldon cartridge; the testimony of Drs. Creveling, Tripp, Baker, Forman, Cheesman and Chemist Hamilton covering generally the effect of contact versus long distance shots on cardboard or cadavers; and also the actual appearance of Mrs. Sheldon's head at the wound entrance; the testimony was variant from, if not entirely contradictory to, that of Messrs. Hall and Totman, the defence experts' testimony which seems to show, speaking in "layman's" terms, that the same general conditions do not always produce the specific effects claimed by the state, (see also Dr. Hall's letter to the Medico-Legal Journal above alluded to.) There was the family history to be rehearsed, the evidence of certain witnesses as to the prisoner's fear of any one visiting the house on that particular morning—and a number of other circumstances hard to explain; and yet—speaking now to the lawyer rather than to the surgeon—with all these circumstances, however corroborative the state may have considered them—however it may have claimed to have brushed aside the expert evidence of the defence—there remained as a desideratum, the one thing lacking—what one reluctant talesman described as a "perfect chain"

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—of circumstantial evidence. Even if the state's experts were right—if Mrs. Sheldon could not have fired that shot, it remains to be proved that the shot was fired by the particular individual who sat in the prisoner's dock; there was still something lacking to the "perfect chain." One jury, it is true, found the prisoner guilty, but evidently with hesitation, reluctance, and in conformity with a suggestion from the court, which with no reflection on the justice, still, as the sequel proved, helped to ensure the prisoner a new trial. The prisoner by his own act has laid the case to rest, and the jury which adjourned over night on Thursday, March 9th, never met again. But for the medico-legal fraternity that question of long-distance versus contact shots would still be, scientifically speaking, a problem, even if Frank N. Sheldon had left a letter of confession, or if the voice of his ill-fated wife could re-echo from the tomb and assert his innocence. The silent evidences of natural phenomena, like the "Testimony of the Rocks," or the "Vestiges of Creation," are what concern the medico-legal brotherhood of the world.

It is not so much the question: Can an intending suicide hold the pistol more than six and a half or seven inches from his head?—it is rather *will* he naturally do so? Did the marks on Mrs. Sheldon's head indicate a contact, a "light contact" or a long distance shot? The case, medico-legally speaking, stands just where it did when the ill-fated man was adjudged guilty on his first trial, or, rather, when the last expert had given his testimony. No new expert evidence has been adduced since that, and the expert stage had not been reached when Sheldon himself cut the Gordian knot of an agonized existence. But the science, the medical jurisprudence of the case, is before another tribunal—and to you, fellow members of the Medico-Legal Society, and the experts of the world, we of Cayuga

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County would leave a problem which is still fresh in medico-legal interest. You are the true medico-legal jury in the case. Many cases may yet arise in which there may be a conflict of opinion as to murder vs. suicide. We believe the expert features of this special trial will form a valued precedent. In many respects it was unique—especially in the close connection of its medico-legal aspects with those of family surroundings and circumstantial indications.

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PSYCHOLOGICAL.

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HOW FAR MAY OVERPRESSURE IN EDUCATION BE CONSIDERED AS A FACTOR IN DEGENERATION OF NERVE TISSUE.

BY SOPHIA M'CLELLAND, OF NEW YORK.

All must recognize that marked constitutional differences exist in both mind and body in children in every class of society, but the special relation which they bear to modern educational methods is not as well understood as it should be. By investigation it has been proved that the mental capacity of a pupil is directly related to his height, weight, and physical measurements, and that there is a physical basis for precocity on the one side and mental dullness on the other. What is demanded, is to fix certain definite standards of weight and measurements for every age and height; any pupils found to be above or below this standard should be treated accordingly. In every department scientific methods are necessary. Science holds sway and there is no longer an element of chance.

This idea of connection between physiological appearance and a certain stamp of character, aptitude and powers of intellectual capacity, dates from the time of Aristotle and Plato. But it is now established on scientific basis through tests which specialists have made.*

It is impossible to discover what the condition is between mind and nerve tissue, but there is an intimate connection as shown by the commonest facts of our every day experience. While this something is closely connected with, and dependent upon the physical organization it is not identical with it, but is universally felt. In these days of advanced education there should be a clearer understanding of the relation between mind and matter, an appreciation, that is, of the fact that physical manifestations have a corresponding physical action which may be definitely traced and scientifically explained. * * *

A philosophical and observant English surgeon, a Mr. Jordan, has attempted classification of all persons into shrews and non-shrews.†

*Interior Departments Bureau of Education at Washington, D. C.

† Furneaux Jordan, F. R. C. S., "Anatomy and Physiology in Character," London.

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Jordan's attention was drawn to the physical conformation of women in hospitals suffering from ill usage at the hands of their husbands. Peculiarities common to all were "skin clean, transparent, pigmentless, hair growth scanty and thin, both on head and eye brows, the latter especially poor and uneven; well marked spinal convexity.

Frequently these marks co-existed, to wit: pretty features. Friends and neighbors intimated that such women had "sharp tongues in their heads."

Further, Jordan discovered that these diagnostic labels are not confined to the fairer half of creation, but extend to the sterner sex as well. He also mentions some general indications in the spine and chest. Again, in shrewish men and women the nails are thin, weak, and easily bent or fractured. Passing from the objective signs, he summarizes the character of shrews: "They are superficial, restless, consequential, without deep sympathies, affections, passions, or emotions, or barely feeling deep enough to be really angry. They are generally moral, not from inherent sense of duty, but from a desire to be considered respectable, are apt to be discontented at home, but shine in society, of which they not seldom form useful members. * * * * As to the non-shrews, their nature is not quite the antithesis of all this, but they have deep sympathies and emotions, and hence are often led into criminality. It is consistent enough with non-shrewishness to shine in society and to be voluble and passionate."

Accurate observation is difficult and rare. Prof. Wilkes of Guy's Hospital, once said to the writer, "that for every one student who can truly SEE there are nine who can think." He also said "We can number on our finger ends the supremely great observers, Hyprocates, Lavator, Laycock, Darwin, Dickens, Lubbock and Ruskin. Of all professions medicine is richest in painstaking seers."

Very interesting experiments have been made by our Government upon school children all over the country. These tests indicated that mental concentrations impoverishes the blood. Concentrating the mind upon some problem caused the breathing to go slower. The blood for the time being thus received less oxygen and was therefore impoverished.

These experiments indicated that fatigue of the mind is the result of a chemical process, the cells making poisonous secretions while they work.

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The same is true of brain-cells as of muscle-cells. The more active the brain the greater the amount of the poison which enters into the brain. The greater the amount of poison which enters into the blood, contaminating the nerves and cells of other parts. This is supposed to be why overwork of the brain makes us nervous and bodily ill, and explains why nervousness is almost a characterstic of nearly every man of great intellectuality and will also show the injurious effects of over-pressure in education on the brain while in an immature state.

The present system of cramming children's minds is ruinous to all individual talent. All children are forced through the same mould, by a strict educational code, irrespective of their intelligence, genius or talent.

Children should be carefully examined by an expert, and by his decision placed according to their individual ability in classes where the best results accrue to them.

In view of the increased amount of writing now required in the schools; the question of seating is quite an important subject to consider as having a bearing upon the sight and the general health of the children. An improper posture at the desk, may throw more strain upon one eye than upon the other, and thus cause or aggravate errors of refraction.

There should be some definite relation between the size of the pupil and the size of the desk and seat. Seats and desks should be so constructed as to be easily adjusted to meet the requirements of different pupils within the grade.

And furthermore, the State should employ the services of occulists and dentists, to examine children in their several specialties and make reports thereon, and it should be the duty of the principals, to send written reports of these physical examinations to the parents and guardians.

By this method, time will be saved, and each child will be developed physically and mentally according to its inherent qualities.

The quality of mind is much dependent upon the firmness of nervous structure, but has no bearing upon the amount of mental fatigue that may be sustained. Experiments indicated that brain fatigue attacks students after a given period depending on age, when all other conditions are equal. Averages show that the fatigue begins to be felt after an hour of steady brain work by the older students, and after a much shorter interval of similar application by younger ones. The minds of children

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between eleven and twelve appear to become tired after about thirty-five minutes of work. Among still younger children the limit is considerably less.

It has been found that the brains of boys under twelve tire of school work more rapidly than those of girls of the same age. This is thought to be due to the greater impulsiveness of boys. They are more passionately eager and impatient than girls.

It is the opinion of those who have conducted these experiments that a short recess should be allowed between every half hour of school work. The teachers found that more was gained in a week by six half than by four whole hour lessons in arithmetic.

The results of these investigations show that many pupils are really suffering as a result of nervous disease in their parents, produced by mental overwork. Such children are apt to be the quickest in mental perception and the most intellectual generally, yet they have no mental endurance.*

The possibilities of the future man or woman are shadowed forth in the earlier years of child-life. The tendencies and proclivities as well as the training of childhood will effect and determine the character of the future man or woman; thus we may justly conclude that also in a more material way the physical condition of the child will, to a great extent, determine the well-being of the man.

Weakly children do not usually develop into strong adults, nor vigorous children into delicate men.

The law of association between the brain and body is like that between the soul and brain. Every function of the spiritual man, whether intellectual, emotional, or physiological, has its special apparatus in the nervous structure of the brain. And a variation in the one is associated with a variation in the other; thus the mental powers and aptitudes may be definitely reached by the physiological appearance.

A large percentage of histories of family degeneration can be traced to the offspring of parents who have passed the prime of life, although the stronger of them attracts the resemblance to his side, the healthy factor is in the better position to prevail. And this also in the case of disproportion in the age of progenitors has produced anomalies, as well as grave defects of the nervous system. A family whose head has died insane or epi-

* Report of government investigating cause of brain fatigue.

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leptic, does not of necesity consist of lunatics and epileptics; but the children may be idiots, paralytics, or scrofulous.

What the father transmits to the children is not insanity, but a vicious constitution which will manifest itself under various forms, in epilepsy, hysteria, scrofula and trickets. Even a simple nervotic (nervous) state of the parents may produce in the children, mania or melancholy. The injury done to the nervous system is transmissible from generation to generation, and a morbid nervous (nervotic) tendency may be engendered and manifest itself in some form of mental defect.

This is usually the cause of child suicide, some strain develops the struggling imperfections, especially during the period of nervous growth, and in many cases the exciting cause is due to overpressure in education. * * *

Now to recur to the original question. How far may overpressure in education be considered as a factor in degeneration of nerve tissue; or, we might say in other words, how far is the higher education responsible as a starting point to the morbid nervous unrest of the present day?

We are proud of the woman of to-day, and we have hope in her. But there are certain dangers surrounding the multiplicity of her opportunities which must not be ignored; the demands of society are becoming more and more exacting and artificial Luxurious living and appointments are regarded as the necessities of life. As human beings grow and develop in this restless, anxious and exhausting atmosphere they become super-sensitive, critical and emotional. They require a wider range of tastes, an unwholesome desire to grasp all the material pleasures of life. This all poisons domestic life, and lessens the incentive to struggle, attain and achieve. Women, because of trivial dissipation, shrink from the duties and cares of maternity; while men marry late to avoid weighty responsibility and to retain their opportunities for unrestrained enjoyment, which have grown far more varied than in simpler times. Weariness of life and of each other is the result, and people decide that the world is a waste because they are suffering from moral heart-burn or physical depression.

If a woman is compelled to earn her daily bread there should be no stumbling blocks laid in her path. But the necessity exposes her to every manner of temptation and hardship. Alien to her nature and to her natural character, loaded with burdens dangerous alike physically and intellectually, and hurtful in

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their influence. When they are obliged by circumstances to go forth and struggle like men, they may and they do achieve, but it is a misfortune to be dreaded, not an opportunity to be sought, and, when displaced, they are misplaced.

The physical wear and tear, the mental and moral strain, the blighting that, when it cannot corrupt, kills first the faith, then the hope, and last of all, the poor enfeebled body, as unequal to the strife. This is the ultimatum of the educated woman who has to fight the battle of life in professions which are usually controlled by men. No woman can yet get happiness out of intellectual combats with men, or the prizes or rewards of masculine ambition; too often in such contests they have gone down in despair. No household was ever happy whose natural male head was supplanted by the wife. The wisdom that is necessary to see clearly in true wifehood and motherhood, and handle this practically, and triumph over obstacles that are constantly coming up, ofttentimes requires a skill that would baffle the wit and culture of the most intellectual man.

The male brain differs from the female in capacities, aptitudes and powers and exceeds the female in weight. The smaller size of the female brain is a sexual distinction, and is not to be accounted for on the ground of environment, education, or habits of life. Nor does quantity mean quality, but quantity is the primary consideration in indicating great mental power, although we have numerous instances against this theory, as evidenced in the heads of many of our great men.

Le Bon has made an examination of the heads of three classes —the peasants, shopkeepers and men of science—with the result that the size of the head corresponds to the known intellectual capacity of the three different classes.

Woman, however, does not possess the same bodily proportions as man, nor the same strength of muscle, and it is claimed that what woman gains intellectually by higher education, she will lose in health, that it is straining her faculties against nature. She greatly excells man in perception, intuition, and the moral qualities, although she does not usually display so strong a reasoning and critical faculty as man.

Men and women are differentiated originally by nature herself, irrespective of the conditioning of education or environment. Women are fitted for certain necessitous results for the race, which practically modify and limit to a great extent the

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vital and psychic usefulness of the woman. Women and men both should develop in reference to their organic fitness.

This is what Sir Frederic Bateman, M. D., has to say on this subject in an article "On Genesis of nerve disease."*

"There are certain branches of study which are less suited to women than some others; and amongst those, I would name the abstruse study of mathematics, for although success in this branch of knowledge may lead to a brilliant career as a high wrangler, I think that a female mathematical athlete is not suited for the duties and responsibilities of maternity, and that the mental endowments of her children are likely to be below the average."

We cannot altogether accept this view of Sir Frederic Bateman in reference to the mental endowments of her children being below the average. It does not seem reasonable when use and disuse characterize all the centres of evolution, adaptive variation are accumulated and a new type is evolved that changes of structure are slowly following our changes of function or habit. Inherited ability has great bearing in developing the brain; there is an ascendent force in heredity which generally obtains the strongest representation. Education does not impart faculties, these are *born* in the child. It is simply the guidance of growth. However, one fact which investigation confirms is the number of anomalies among children which disappear through education. Generally the world grows better through heredity subject to the conditions of life. Any organ from disease has a lessened vitality, or an organ having increased its vitality or forces by exercise, is correspondingly represented. The brain, like every other organ, s developed by exercise; if this increase, whether of size or of energy, is transmissible, progress of the mental faculties will be the result, and will be determined not only outwardly, but inwardly and organically.

Physically, men are better than ever before. The average man of to-day is too large to wear the English armor discarded by warriors of a few centuries back. The collegian of to-day surpasses the ancient athletes of Olympia.

I have conversed with many physicians upon the subject of transmission of acquired characters, and find that it is an accepted fact among the profession, although there is very little direct evidence in the course of a single generation. Galton

*Medico-Legal Journal, March, '97.

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says: "Although it is pretty well ascertained that in the masses of population the brain ceases to grow after the age of nineteen, or even earlier, it is by no means the case with university students. In high-honor men head-growth is precocious,—their heads predominate over the average more at nineteen than at twenty-five."

It has been noted, by recent discoveries, that the bony cases of brains of the fossil animals differed widely in size from those of living animals; that all tertiary* mammals† had small brains, and the older they were the smaller the brains. In other words, the descendants of the animals of ages ago have larger brains than their predecessors. They have even gone farther back. Prof. Marsh‡ has found that the size of the brains of animals of the same groups increased at each successive age, or period, over those of the preceding, and larger still in recent times.

When a species of mammal died out, as a general rule, it had a small brain, while the survivors in the struggle for existence had a larger brain. In the evolution of the brain in the centuries, race after race dominated by the larger brain, little by little has it been built up, until we find the modern cerebrum overshadowing all the other points of the brain combined. In many of the lower animals the sense of sight and hearing and smell are more acute and sensitive than in man, but man's brain has advanced so far that all the animals are helpless as compared with him. In the war of the races, the biggest brain race always outmatched the smaller, although the latter usually had greater brute force.

Nerve force is handed down from parent to offspring, giving each individual a personal capacity which, though capable of being modified by education and influence of environment, is depending on actual organization. It has been already demonstrated that nerve energy only exists within the boundaries of nerve structure, and that it varies in expression only when there is a variation in the nerve tissue; this applies to every form of nerve energy, whether it be a simple sensation or the exhibition of thought, reason and will.

I have noted the inheritance of individual peculiarities, and found that they were illustrative examples of the heredity of

*"Tertiary."—Third; of the third formation.

†Mammal.—An animal that suckles its young,

‡Of Yale University.

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morbid conditions, imperfections, and anomalies in the intellectual and moral world, as the origin of the monstrosities which we see in the physical are to be attributed to hereditary organic influences.

There are physical peculiarities which are common to all the degenerated, the neurotic as well as the criminal. These deficiencies are sometimes in one part of the organism and sometimes in another, but are always associated with deficiencies in the tissues of the internal organs, produced from causes arising during embryonic life. These unfortunate individuals have inherited incapacities of various kinds, morbid cravings, strong passions, and feeble wills to resist temptations, many with defective education from lack of mental power and stability.

Now what are the important factors in causing this degeneration of nerve tissue? Can we find a starting point in the past, or a present condition which is responsible for the swelling of our criminal lists, so that our penal institutions are overcrowded, the enormous increase of divorce suits, the suicides, and the worship of devils? the trampling upon the relations of husband and wife, parent and child, the restlessness under restraint, the looseness in government and laxity in discipline? More than a generation ago, the circumstances of the times were favorable to the development of morbid sentiments. Four years of incessant war with battles and sieges, exciting violent emotions of various kinds, quickened nervous sensibilities, which became exaggerated like an enlarged organ, from excessive development. This has irritated the nervous system of the people of our country into impulses that have caused an abnormal activity and disturbance of the general physiological balance, and the increased nervous nutrition demanded by the new life and its consequences, has tended to deterioration from the type of the parent race. The abnormal development of man is characterized by undue progression. Children are premature, earlier developed, super-smart and sensuous. Through material development, luxury, irritability and egotism become dominant.

We educate our children to become free-thinkers, no longer with any religious belief; they have no hope, no fear, and as a result they become tired of life, before they know what life really is. The great publicity given by the press in publishing details of crime, in all their sickening minuteness, reacting upon a brain weakened by some depressing influence, either

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hereditary disposition to mental disorders or mental perturbation arising from various causes, remorse or disappointment. The force of example and the spirit of imitation acting thus on an impressible brain, are the causes of epidemics of suicide of various kinds.

Through wholesome suggestion or normal development order comes, while on the contrary some emotional stress or shock develops the struggling imperfections. The most practical treatment recommended for this physiological unrest and mental uneasiness, which especially characterize the period of nervous growth during adolescence—from the rapid formation of new nerve connections—is the administering of improved nutrition for the stomach and of plenty of sleep for the brain. Material activity depends largely upon brain rest and brain nutrition.

A normal nervous system, is one that has expansibility as well as contractibility, to bend, but not to break under stress of environment.

In every community there is always a proportion of brains, which, being brought into action, break down. This proportion doubtless diminishes as the community is elevated, and in a very few generations the result of culture may, perhaps will, be to develop a better stock, looking at the people as a whole, but at the outset of the educationery process, and in the generation first taught, the immediate result must be a considerable number of wreckings.

This general principle is applicable to all races, peoples, and classes, and it explains why the first effect of trying to elevate the negroes has been to produce an apparent increase of insanity among them.

The negro as we find him to-day is an entirely different being from what he was in ante-bellum days; he was less resistant, and gave a larger mortality in both medical and surgical affections than the Caucasian. It is claimed by some that in time the negro race would become extinct.

Civilization is a very complete condition. Whoever cannot adapt himself to new conditions of social life must die out, gradually, perhaps, yet surely. Every civilization is the growing product of a very complex set of conditions, depending on race and character, on climate and circumstances. To attempt to alter such a system apart from its conditions is impossible. One of the most celebrated anthropologists, Prof. Petrie, D. C.,

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L. L. D., in an address on "Race and Civilization," before the British Association of Scientists, has said: "No change is beneficial to the real character of a people except what flowed from conviction and the natural growth of the mind. The forcing of a system such as ours, which is both complex and artificial, a system most self-denying and calculating of all peoples of the world. The result is death. Scarcely a single race can bear the contract and the burden as witnessed in the decay of the American Indians. Some will say, what can be the harm of raising the intellect in some cases if we cannot do it in all? The harm is that you manufacture idiots.

An ignorant race suddenly subjected to an education become half-witted, or incapable of taking care of themselves. This is the result of this burden which their fathers bore not.

The greatest educational influence, however, is example. This is obvious enough when we see how rapidly the curses of civilization spread among those unhappily subjected to it. The contact of civilized races with lower races is always a detriment, and it is the severest reflection on ourselves that such should be the case. It is a subject which has given me much room for thought, to consider how this deleterious effect is produced and how it is to be avoided. It is due partly, however, in leaving temptations often to those which may be no temptations to ourselves."—Prof. W. M. Flindus Petrie, University College, London, 1895.

Mr. Herbert Spencer, at the conclusion of his "Principles of Biology," ingeniously shows by virtue of natural laws, civilization is so closely bound up with the consequences of psychological conditions in the natural adjustment of development, and the obvious corollary he therewith draws is that "In the struggle for existence, which must follow from this unceasing pressure. The future progress of civilization, must bring with it to the individual, an increase of the great nervous centres both in structure and function This larger body of emotion needed as a fountain of energy for those who have to hold their places, under the intensifying competition of social life, is, other things equal, the correlative of a larger brain. And the beginning of this larger quantity of feeling and thought, in a brain thus increased in size, is, others equal, the correlative of a greater wear of the nervous tissue and greater consumption of material to repair it. So that the cost in working the nervous system must become a heavier

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task on the organism. Already the brain of the civilized man is larger by thirty per cent. than the brain of the savage, and presents other changes in the distribution of its convolutions, under the discipline of life we infer further changes will continue to take place, for the antagnism becomes unusually marked where the nervous system is concerned because of the costliness of nervous structure and function."

All aristocracies, all class segreggations that fill up their ranks among themselves, have suffered gradual losses which would have caused reduction were it not for the additions made from time to time. There is not in Europe a single national nobility the majority of which dates from considerable antiquity. We believe it has been estimated that the average duration of noble families is not more than three hundred years.

It is in the direction of the theory of evolution, to the acquired imperfections of structure; the development of the nervous system, and of the normal manifestation of its activities, as well as its associated disturbances, when prevention and cure are the objects sought, and we must look to biology and physiology, rather than to pathology, for our guide in these studies.

Improved methods of research have led to the discovery of new forms of cells in the cortex of the brain, and to a better knowledge of the marvellous net work of fibres in this area. Studies here in the future will surely throw fresh illumination of the problems of psychiatry and psychology.

In summing up we will say that we have endeavored to present, fairly, the facts on both sides of this subject, and interpreted their causes by ascertaining their laws. Therefore it has been scientifically demonstrated that there is a practicable application of a law which governs mental evolution, that unfitting conditions of existence are the cause of inharmonious development, and that an improvement in these conditions would effect a corresponding improvement in the individual.

Moreover, it has also been demonstrated that the same physiological laws apply to men as to women—the sexes, viewed collectively, offset each other pretty fairly in unlike but equivalentqualities.

No amount of education will ever destroy maternal or wifely love in the true woman, as illustrated in the cases of many of our great writers and artists.

Woman's larger activities will improve domestic life; intelli-

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gent and scientific method and order have already been applied to domestic work, and more than this, the best housekeepers in the country to-day are these same progressive women. The higher the endowment, the larger the freedom; the better the equipment of the woman, the nobler the coming man will be.

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CORPORAL PUNISHMENTS FOR CRIME.

BY HON. SIMEON E. BALDWIN, LL. D., OF THE SUPREME COURT OF ERRORS OF CONNECTICUT.

I have been asked to speak to you to-night on the subject of Corporal Punishments for Crime. It is one which concerns everybody, but, if we except the criminal himself, no one so much as the lawyer, the physician, and the psychologist—those, in short, of whom this section is composed.

The law which is violated by a crime is an imperfect one unless it has provided a proper sanction. The sanction is improper if it inflicts any unreasonable injury upon the body or upon the mind and character of the offender. Over one, in human society, the physician stands guard: over the other, the psychologist.

Let me address myself first more particularly to those moral considerations which underlie the whole matter.

What is it that authorizes human government to punish, at all?

How can one man assume to restrain another man's liberty, or subject him to suffering and degradation, and claim a warrant from it under the principle of justice, which are at bottom principles of equality of right?

Am I my brother's keeper? And how does an aggregation of individuals gain a power which each by himself confessedly has not?

Nothing which belongs to the realm of the infinite and the divine can ever be fully apprehended by inhabitants of this little dot in the universe, which we call the Earth. But if Christianity be a true religion for mankind, and there are any teachings which we can trace back to Christ, they surely comprehend the duty to render unto Caesar the things that are Caesar's, as well as unto God the things that are God's.

They comprehend also the still broader doctrine of the fatherhood of God and the brotherhood of man.

Read before the Medico-Legal Society, Psychological Section, March 17, 1899.

Read before the American Association of Physicians and Surgeons, Chicago, June 3, 1899.

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The tendency of our times has been to emphasize the second of these most strongly. It is that which we can understand the best. But the fatherhood of God is the more important conception in respect to whatever belongs to the domain of government. A pure sentiment of fraternity leads logically to anarchy. Fatherhood implies power, restraint, correction. If in the moral system of our world there is punishment for sin ordained of God, all considerations of analogy require that the governmental systems, under which its civil affairs are regulated, should provide punishment for those offences against the good order of society which we call crime. Nor, notwithstanding all that the school of Tolstoi may say, have the authoritative writers on the nature of Christianity failed to declare that this is so.

When St. Paul sent his epistle to the Christains at Rome in the reign of Nero, they were restless under the strain of subjection to a tyranny that for them foreboded religious persecution. What is his word of advice? That all civil power in the State is ordained of God, and acts in the repression of crime as "God's minister, an avenger for wrath to him that doeth evil."*

And is not this general law of retributive justice in equal measure—aside from anything that Christianity teaches, and even from any conception of a personal God—part of the order of the universe?

The first lesson we learn in physics is that action and reaction are equal and proceed in opposite directions. If I give a blow with my fist to a tree, the tree gives my fist an equal blow. It pays me in kind. Animated nature of all forms seems governed by a law much the same. We get what we give.

This has been an age prolific of new sciences. One of them has for its object to stand guard over the interests of the worst of men, in their dealings with society, and to keep all it can from meriting that name. We call a Penology, but it often seeks rather to exclude than to regulate punishment. It has done something towards propounding a new theory of morals.—something, one might perhaps say, towards interposing a check to the natural operation of the law of cause and effect, in the dealings of governments with crime.

I am inclined to think that some of its exponents have gone too far in these directions. They assert that human punishment has no legitimate object except human reform, and that if it

*Romans xii. 4.

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hurts, it hurts only to save. Five of our state constitutions rest their penal codes upon this position * But society needs saving from the criminal, quite as much as he needs saving from sin. "The wages of sin is death." To that end it logically tends. The extinction of sin may require the extinction of the sinner, at least in this world.

The punishment of sin on earth is partly, at least, left to human government. When it takes the shape of crime, government must meet it with the strong hand, and add the human sanction to the divine,—the sentence of the courts to the sentence of the conscience and the community.

I have thus ventured to go back to fundamental principles and maxims in order to clear the way for a fair view of our system of criminal punishments in its relation to the facts of history and the laws of the universe.

The nature of things seems to require that the man who strikes shall be struck back. In rude times, this punishment is promptly administered by the party injured or his friends.

The next step, as men become civilized, is to have the State do it. The lex talionis is followed. Three times over it is laid down as the fundamental rule of criminal justice in the Pentateuch: in Exodus, in Leviticus and in Deuteronomy. In the New Testament,indeed,Christ tells his followers that it is no guide for the individual, as to his personal conduct.† He is not to punish at all, but to forgive. No reference, however, is made to punishment by the officers of government to vindicate its authority.

Every national habit which has endured through two generations comes to be generally regarded by the people as immemorial. It may have been contrary to what had always been before the practice of the inhabited world. It may still be contrary to that of all other peoples. Nevertheless to those who have grown up under its influences, and from their earliest recollection saw it followed by their fathers as a settled rule of life, it will have all the sanction that a remote antiquity could bestow.

It has been to Americans a national habit for sixty years to punish all ordinary crimes by imprisonment, and imprisonment

*Indiana, New Hampshire, North Carolina, Oregon, South Carolina. Those of South Carolina and Georgia forbid punishment by whipping.—Stimson's Am. Statute Law, I. 31.

†Matt. v. 38.

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only. It has come to seem to us the natural way of treating convicts. Is it, indeed, this? Or may this national belief be a bit of provincialism, due to an inadequate consideration of the lessons to be learned in other lands or from other times?

In all previous centuries which have left us any record of human life, the prison played a temporary and insignificant part in the administration of criminal justice. Occasionally some prisoner of State was confined for years or possibly for life in the dungeon of a castle. Often these were used as a place of detention, in which to keep men a few days or weeks, until they could be brought up for trial. Now and then, some tyrant like Bomba of Naples of more recent days would abuse his power by keeping not only leaders in schemes of political revolution, but multitudes of their followers, under lock and key for an indefinite period, upon pretence that there had not been time to prepare the case against them. But all such instances of imprisonment were exceptions to the common rule. In nine cases out of ten, in ninety-nine cases out of a hundred, the man convicted of any of the common crimes, unless banished to some distant place of exile, was dismissed, after paying a fine, or being subjected to some form of bodily suffering, or social degradation.

The substitution of imprisonment for all other forms of corporal punishment has involved the modern State in two great evils.

It has added enormously to its annual outgoes.

It has taken thousands of its people from their natural surroundings and opportunities for profitable industry, and shut them up in an artificial and unnatural environment, where they are almost always in a moral atmosphere that is foul and contaminating.

True, the attempt was early made, and has never been abandoned, to make the jail a school of discipline and reform. At the beginning of the eighteenth century, Pope Clement XI, in erecting the prison of St. Michael for juvenile offenders, and setting up there a system of manual training, put upon its walls the inscription, Parum est improbos coercere poena, nisi bonos efficias disciplina. But what has really been accomplished towards turning the convict out a better man than he went in?

One of the persons most closely connected with the State Reform School at Meriden, Connecticut, stated recently that of the boys kept in the principal building of the institution, not one, so far as they could discover, led an honest life after his release, though part of those housed in detached cottages were apparently improved. A better showing is made by the statistics put

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forward by the Elmira Reformatory, but there are few Brockways to be had. No system of prison discipline is worth a rush, as a mould of character unless the man who is responsible for its administration is gifted with exceptional, and, one might almost say, transcendent powers.

The great change in the system of criminal punishments to which I have alluded came to the United States as a part of the new life upon which they entered after their independence was established and the forms of modern government set up. It came gradually, and almost insensibly,—the natural outgrowth of democratic institutions. Whipping, branding, mutilation and the pillory, one by one faded out of use before they disappeared from our statute books.

The object of the lex talionis is to apply what seems the rule of natural justice. It is to punish, to punish in a way that will deter other men from acts of similar violence, and in many cases to stamp the offender with a mark that will be a perpetual warning to the rest of the community to be on their guard against him. It hurts the body and it is apt to hurt the soul. The continuing degradation which it generally entailed, did as much as its cold cruelty, perhaps, to bring it into discredit.

But one remnant of it now endures in our law, that of capital punishment for murder in the first degree. Hanging hurts, and the hurt and shame of it are both needed, our people think, to give his due to the man who deliberately and maliciously takes another's life.

Is it certain that some other punishments which hurt might not also have been wisely retained, might not now be wisely re-instated for particular offences?

I do not hesitate to avow my conviction that whipping would often furnish a mode of punishment far more appropriate than fine or imprisonment for minor offenses, and a useful addition to imprisonment for graver ones. While holding criminal terms of the Superior Court I have more than once had occasion to sentence culprits to confinement in jail, whose case would have been, in my opinion, better fitted by some form of punishment shorter in duration, and sharper in pain. Many of you, I am sure, must sometimes have had similar reflections as you reviewed the course of criminal justice in the case of young offenders, whose fathers had apparently spared the rod and spoiled the child.

A London magistrate of long experience, Sir Edward Hill, once said that long sentences make very little difference in their

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deterring influence upon criminals as compared with short ones, for the simple reason that the criminal classes are devoid of imagination. They do not and cannot picture to themselves the dragging monotony, year after year, of prison toil, or month after month of prison idleness, with that vividness and sense of reality with which it strikes an industrious citizen. Whether they are sent up for two years or for twenty seems to them of slight account.

No sentence to a county jail is greatly dreaded by a hardened criminal. It gives him in most cases an assurance of better housing and of better food than he is in the habit of gaining by any other mode of exertion. He has never taken into his soul the full measure of the good of liberty It is not a good, except so far as its possessor knows how to make good use of it; and that to him was never known, or but half known. On the other hand, whipping is dreaded by every one, man or child. We shrink from it first and most, because it hurts. It is no degradation to a boy to be whipped by his father, or by his master at school. That is not his objection to it. He feels that it is a reasonable and natural consequence of misdoing, and leaves him better, rather than worse. The sailor and the soldier, until recent years, met it in the same way, and with no loss of spirit, or of loyalty to their flag. Custom, for them, had dissociated it from disgrace. It was simply retribution. Among civilians, however, to the grown man, it is and always was a mark of degradation in the eyes of the community. But as a penalty for crime, it is a consequence of degradation rather than a cause of it. It was the crime that really degraded.

The criminal dreads whipping mainly, as the boy does, because it hurts. A French physician, at the head of the great prison hospital at Toulon, in a work on the characteristics of convicts, has said that the abolition of punishment accompanied by torture has resulted in greatly augmenting the number of homicides.* A convict, whom he quotes, had been sentenced to fifty stripes. "Ah," said the man, "that is worse than fifty strokes of the guillotine. One suffers during it, and after it, too."

There has never been a time when whipping was not a mode of criminal punishment in at least one of the United States. The United States themselves introduced it together with the pillory into their original Crimes Act of 1790, but it was abolished by

*L'Auvergne on Les Forçats, 215.

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Act of Congress in 1839. Flogging in the army, however, continued until its character was revolutionized by the introduction of so vast a multitude of volunteers at the outbreak of the civil war. In the navy it was retained until 1872.

Great Britain did not abandon its use in her army until 1881, and it has never been disused in England as a punishment for crime. In 1861, when her criminal procedure was made the subject of revision, it was given new prominence as a penalty for offenses of boys. Soon afterwards it was added to imprisonment, in cases of robbery with personal violence, garroting or other aggravated assaults on life and wife-beating. The results are conceded to have been most salutary.

Maryland in 1882 followed her example. Whipping was there made a penalty for wife-beating. In 1884 there were one hundred and thirty-one arrests upon this charge in the city of Baltimore. Early in 1885 a man, and the first white man, was sentenced under the new law to twenty lashes, besides a year in jail. At the close of the year, there had been only sixty-seven cases of wife-beating before the court. The next year showed a still further decrease, and the police authorities stated it as their opinion that the fear of a whipping had prevented half the assaults of this character that would otherwise have been committed.* As was rightly said by the father of the law in the Maryland legislature, the man who beats his wife and is cowhided for it by her father or brother is thought by all to have received his just reward; and why then cavil at a similar punishment inflicted in an orderly way, after a full hearing of his defence, by an officer of the law?

Let us admit that degraded as such a man is by his brutal act and the brutal heart behind it, he is further degraded in the eyes of his fellows by the whipping to which he may be sentenced. I do not hesitate to say that he ought to be, and that this further degradation, however we may deplore his fall in the eyes of the world at large, is a strong argument for the infliction of this particular penalty. The social sting often goes deepest. A man hates to lose caste among those with whom he associates familiarly. The term "jail-bird" shows how the community regards the man who has been once sentenced to imprisonment. But his mates often look upon him as none the worse for it. He has simply been unlucky. Let him be stripped and put under the lash, however, and he sinks in their estimation. It may, indeed,

*Reports of Am. Bar Association for 1886, 291.

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have another good tendency from that very fact. It may drive him out of their company, into that of honest men again. But, be this as it may, to flog one criminal, deters by the very disgrace of it, hundreds from crime.

I am speaking to men not unfamiliar with the administration of criminal justice, and desirous to make it better. Let me ask you to think of these things; to turn the light of your own observation or experience on the subject; and as you look back on the story of sentence after sentence inflicted on some habitual rounder, to whom the jail has become a home, to consider if one good whipping at the outset might not have saved what has been not simply a wasted life, but a life that has wasted the property of the community and the peace of the State.

I would not, of course, stand here to advocate the restoration of the public whipping post, or the award of this penalty for many offences. Let it be inflicted in private, and when upon grown men, for such offences only as involve great personal violence and indignity to another.

We do indeed resort to it still, in addition to the penalty of imprisonment, where a convict proves idle or insubordinate. The warden of the State's Prison in my State, under our General Statutes, in case any prisoners "are disobedient or disorderly, or do not faithfully perform their task, may put fetters and shackles on them, and moderately whip them, not exceeding ten stripes for any one offence, or confine them in dark and solitary cells.* A similar authority is given to the Superintendent of our State Reform School, by the rules of that Institution; to the head of Elmira Reformatory; to most wardens of penitentiaries. Why need we hesitate to punish a criminal in this way for his crime by the sentence of a court, when we allow it for mere disobedience to the orders of his jailer, and at that jailer's will? May it not, we may further ask, be a lighter punishment than confinement in "dark and solitary cells" for such time as the warden may think fit? Those of us who remember the thrilling pages of Charles Reade's Never too Late to Mend, will have no great hesitation as to the answer.

Nor, to go one step further, am I sure that there is not a certain crime to repress which we might not wisely resort to another still sharper and more degrading punishment, which former generations and our own ancestors, even, did not hesitate to apply where it would do most good.

*Gen. Stat. of Connecticut, Sec. 3341. Originally adopted in 1773.

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There is one wrong to a woman which some have deemed worse than death. In every country where men alone make the laws, they owe a special duty to secure the weaker sex against that offense, and to punish it, whenever committed, with just severity. In the early days of New Haven Colony, the laws provided, with meaning obscurity, that it should be "severely and grievously punished"* by the magistrates. It is probable that the planters had in mind that this grievous punishment might sometimes be castration.† Can there be one more precisely answerable to the wrong?

In the early criminal codes of Europe we find it in use for several of the graver crimes. In the laws of the Visigoths, it was inflicted for sodomy.‡

William, the Conqueror, brought it into England for rape, and —coupled with putting out the eyes that had "looked upon the woman to lust after her,"—it stood as the legal punishment until sixty years after the grant of Magna Charta, (3 Edward I).§

In Connecticut, the first record of an recourse to it is found in the first half of the eighteenth century. A man convicted in the Superior Court of mayhem, was sentenced to this form of mutilation because it was doing to him precisely what he had done to another. At that time there was no punishment prescribed by law for such a crime. There was a statute, which had been in force since 1672, "that no Bodily Punishment shall be inflicted that is Inhumane, Barbarous, or Cruel."‖ The court stayed judgment until the will of the General Assembly could be known. That body thereupon resolved "that the Judges cause such punishment to be inflicted as to justice appertains, according to their best skill and judgment." The Superior Court was then composed of Roger Wolcott as Chief Justice, who was afterwards Governor of the Colony; James Wadsworth; Joseph Whiting; William Pitkin, afterwards Chief Justice; and Ebenezer Silliman. It has seldom in its history been better manned. They did not think it inhumane or cruel to adopt the lex talionis, and passed sentence of membrum pro membro."**

*N. H. Col. Rec., II. 278.

†N. H. Col. Rec., II. 601, citing Leviticus xxiv. 19. I find no cord of any conviction for rape.

‡Heineccius' Corpus Juris Germanici, 1947, 1948.

§2 Coke's Inst. 180, 181.

‖ Stat., Ed. 1715, 99

**Col. Rec. of Conn. VIII. 578; State v. Danforth, 3 Conn. Rep. 120 (*Peters J.*) The next year a statute was passed to make such an offense a capital crime.

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Forty years later, at the close of the Revolutionary War, a British deserter, who had been sentenced by the Superior Court to death for rape, preferred a petition to the General Assembly for a commutation of punishment. The woman did not wish to press the charge, and she had been the only witness against him. The assembly granted the petition and ordered the sheriff to castrate him and let him go unhanged.*

Some years ago, John Hooker, the late Reporter of the Supreme Court of Errors of Connecticut, a man whose humane temperament and philanthropy are as well known as his critical and philosophic knowledge of the law, wrote on this subject for the press, in advocacy of our return to the use in this respect of the lex talionis.

At about the same time, a petition to Congress to introduce it into the system of criminal procedure of the District of Columbia was sent in by a number of women, headed by the wife of the then Chief Justice of the United States, Mrs. Waite. The Woman's Christian Temperance Union published, not long since, a vigorous article, in favor of the general adoption of the penalty for this particular crime by Dr. Thomas D. Crothers, of Hartford.

There are weighty reasons for it.

As fully as the death of the criminal, it ensures the community against his repetition of the offense. It reforms his body if it does not his soul. A convict is now in our State prison upon a second conviction for this crime. His first term of imprisonment had no deterrent influence on him. Twenty-one in all are there for this offense, and twelve more for an attempt to commit it.

Such a punishment is also appropriate in this. It puts on the criminal a shame of the same nature that he has put upon another. It dishonors and degrades, as he has dishonored and degraded.

It would be dreaded by most men, little less than capital punishment; but less it would be for there are few who do not cling to life under the most adverse circumstances. Rape ought not be punished as heavily as deliberate murder with malice aforethought. It is an offense that is seldom long premeditated, and to which men are urged by a blind, impetuous passion which,

†Conn. Mss. Rec. in State Library, Crimes and Misdemeanors, VI. 220, May, 1788. I am indebted for these references to the kindness of our accomplished State Librarian, Dr. Chas. J. Hoadly.

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while it cannot excuse. may sometimes extenuate the wrong. Nor in the interest of the woman, ought rape alone to be visited with as great a penalty as rape followed by murder. If it were to be, the murder often would follow; for the dead tell no tales.

There are two objections, and really but two objections, to reinstating this ancient penalty of law.

It involves an act which might be criticised as cruel; and its effect is to lower a human life, beyond recovery.

As for the cruelty of it, the same degree of suffering is inflicted, for a purpose in one respect not dissimilar, on half of our larger domestic animals. We do not deem it cruelty to them. It is an adjustment to their environment in society. It is necessary to make it safe to keep them about us.

The same thing has for ages been often done to boys in Italy, to serve the purposes of church and operatic music. The terms "Castrato" and "Singer to the Pope" were used there as synonomous late into the last century.*

To treat men thus would certainly be, in each case, to lower a human life beyond recovery. It would indeed make crime yield bitter fruit. But this ruined life has been the means of ruin to another life. It loses, as it has destroyed.

There is a crime still meaner than that to which I have alluded, that a man can commit towards the weaker sex. It is when he lures a child into dishonor. The penalty to be measured out for any act must be partly determined from its natural consequences. This act, therefore, is not one to be punished as rape or murder is. But a sentence to mere imprisonment seems to me a very inadequate one. If every such offender were also smartly whipped, I believe there would soon be fewer of them.

The apprehension of resultant bodily pain is a strong deterrent to any course of action by ordinary man or brute. It is nature's penalty for any abuse of our physical powers,—her inevitable penalty, we may say, in the end. The man has no right to complain who is made to suffer it for a physical outrage wantonly committed on a child.

It may not be amiss, as I close, to say a word as to the immediate effects of the disuse in 1830 of whipping by Connecticut, as a punishment for crime.

It had been the commonest one during the greater part of our

*Beccaria on Crimes and Punishments, Chap. XX.

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history The convict was flogged and then dismissed. Few were sentenced to imprisonment, except for crimes so aggravated as to require their confinement in Newgate. A great increase in petty crimes naturally followed its abandonment.

The negroes had always been the most common offenders. The vices of slavery still tainted their character. They constituted a third of all the prisoners in Newgate (then the name of our State prison) in 1826, although our colored population was then but 8000 out of a total of nearly 300,000. There were more of them in the State prison in 1838 than there were in 1898.* The county jails had no terrors for him. There they could find the only ground on which to mingle with their white fellow citizens on terms of social equality. They were sensitive to pain, and had thoroughly disliked being flogged.

So, it seemed, had many others, whom now there was little to deter from violating the law. In 1821 under the old order of things, there were 45 commitments to the New Haven County jail. The year after the abandonment of the whipping-post, the number rose to 95. Five years later it was 270.

The discipline in all such institutions is necessarily lax. The food is abundant, the roof weather-tight, and the society generally quite congenial. In a report on the New Haven jail, made in 1838, one of its convict inmates was quoted as saying "that he had no objection to being shut up there, so long as he had cards and a plenty of company."†

The position of affairs was thus summarized in the report of the Joint Standing Committee on the State Prison to the General Assembly of Connecticut in 1840:

"In the present state of our criminal law, there is almost an impunity for offenses not punishable in the State Prison; pecuniary fines and imprisonment, are the only punishments that the humanity of the age would tolerate. The first, from the circumstances of the offender, is generally nominal, and the latter is only a charge upon the public, and a matter of derision to the idle and dissolute offender."

The half century and more that has elapsed since this report was made has wrought considerable changes in our county jails. They have become cleaner, healthier, quieter. And what has been the effect on the idle and dissolute offender, to whom the committee referred? We find that if he does not relish the

*49 out of 190 convicts in 1838; 47 out of 513 in 1898.

†Report of committee to meeting of citizens held Dec. 12, 1838, printed in 14th Ann. Report of Boston Prison Discipline Society, 1839, p. 368.

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greater order and better discipline, he can appreciate the greater warmth, light and cleanliness, and the better table. If he is put there once, he is apt to be found a returning guest.

As we review the subject, and compare theory with experience, sentiment with facts, we must, I think, own that there is much to be said for the system of corporal punishments so hastily abandoned in this country during the first half of the nineteenth century.

I noticed the other day that the grand jury at the Warwickshire assizes in England had recently made a presentment in favor of flogging for criminal assaults on women and children. Public opinion is gradually shaping itself towards that end, I believe, on both sides of the Atlantic; and other States, in my opinion, might do well in ranging themselves by the side of Maryland in bringing back some such remedy for the more effectual support of the weak against the strong, and of the juvenile offender against himself.

I believe that President Woolsey was right when he said that the only theory of criminal punishment which rested on solid ground was that to punish was to give the offender his deserts, and that government had a right to use its power for that end.

But if we were to accept the sentimental or humanitarian position, that the right to punish rests on the duty to educate the ignorant and reform the vicious, I should none the less insist that whipping was, for many cases, the best incentive to education and reform. He who has learned to refrain is half reformed. A whipping has a very direct tendency to teach a man to refrain from whatever is likely to entail another punishment of the same sort.

To psychology and physiology, to medicine and law, this is one of the known lessons of life. May not the disciples of these sciences wisely lend their aid to make it again a lesson to be taughtt, and taught effectually, to those whom a mistaken humanitarianism has allowed to forget it?

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CORPORAL PUNISHMENT FOR CRIME.

BY CLARK BELL, ESQ., LL. D., OF N. Y., PRESIDENT INTERNATIONAL MEDICO-LEGAL CONGRESS.

The problems involved in a discussion of the question of the best methods to be adopted in punishment for crime, has ever had a vital and intense interest to the student of Penology as well as to the Legislator, and all who investigate the social conditions of the race.

The main question involved, in the proposition of the eminent jurist, Judge Simeon E. Baldwin, of the Supreme Bench of the State of Connecticut, to restore the lash as one of the best, most efficient, and most humane on the list of punishments, particularly for lesser crimes and misdemeanors, is one of absorbing interest.

We are confronted with a condition which demands our most careful study, closest analysis, and the wisdom of the ablest thinkers of the time.

It is almost universally felt, and most generally conceded, that fine and imprisonment, in dealing with the class of minor offenses, which are largely due to drunkenness; and the abuse of alcoholic drinks is almost a failure; and that a careful revision of our present system of punishments is the crying want of our time. The drunken father, who has beat his wife, while intoxicated, and who has been sent to the Island, leaves behind the wronged and abused wife and family, wholly dependent upon him for support, destitute, and often in a worse condition than

Read before the Medico-Legal Society and its Psychological Section, May 17, 1899.
Read before the American Association of Physicians and Surgeons, Chicago, June 3, 1899.

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the prisoner who is sentenced; for he has enough to eat and drink, and has clothes and shelter, and is kept warm in the coldest winter.

Of all the train of petty crimes that are due to intemperance, it is doubtful if the punishment now inflicted is adequate, or in any sense wise. It is doubtful if it has much deterrent effect, and probably in the majority of cases has not in the slightest such a result.

In America the whipping post was so closely related to the institution of slavery, that it was in many of the slave states regarded as only a suitable punishment for the slaves, but I do not think this was true of Delaware, and there is no doubt that much of the degradation we are accustomed to associate with this form of punishment, is due to the fact that in the south, in the days of slavery, the cat was deemed the best possible form of punishment for the blacks.

We have been taught to regard it as a relic of slavery, which perished with that institution; but the whipping-post is of another origin: it is English, and has only been gradually abolished, in England, in the army, the navy, and still exists in English prison discipline.

There can be no doubt that the use of the rod, as taught in the Mosaic system, was based on motives of mercy and of compassion.

The adage, "Spare the rod and spoil the child," is devoid of every element of that degradation with which we often associate the whipping-post in our minds.

We none of us felt degraded by the whip in the hands of the father, or a birch, as administered by the school teacher in our boyhood school days. One of the strongest reasons for the odium we associate with the whipping-post, must be due to the racial and color question as viewed from the southern standpoint.

There can be little doubt of the enormous value and

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importance of the whipping-post as a deterrent against the commission of crime. The late Governor Biggs, of Delaware, in his lifetime an active and earnest member of the Medico-Legal Society, always defended the whipping-post with great vigor, as used and applied in the State of Delaware. He claimed to me that it was the strongest safeguard of Delaware against criminal offenders, and that it operated wonderfully as a preventative against the commission of crime.

He delighted to contrast the absence of crime in Delaware with other states, relatively to its and their population.

He told me that he sat by the side of a Massachusetts member in congress, and showed the latter the great apparent volume of crime in Massachusetts as against Delaware, relative to the population of each, and credited the whipping-post almost wholly as effecting this result.

He has said to me, "It is, in my opinion, because we have retained the whipping-post in Delaware, that we have no state prison. We do not need one."

In speaking of the deterrent effect of this form of punishment there, he said, "In all my life I never saw a white man in Delaware come the second time to the whipping-post. In a few, and very few, cases a black man has come back, but that is rare. If a white man, he never took chances the second time, and he left the state if a confirmed criminal."

The older men of the south have a personal knowledge of the efficacy of the whip as a deterrent, based on the experience of the past. They all concede it.

Some of them believe that it is a stronger deterrent to the black man in the south, than to the white; but I regard this as a superficial view. If it rests on fear of physical pain alone in the black, I think that an analysis would

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convince the more careful thinker that it would operate stronger as a deterrent with the white, than the black, because with the former the sense of shame and degradation would be tenfold that of the physical pain.

It is more than probable that no form of punishment is more repugnant, to the brutalized criminal, than the whipping-post, and its value as a deterrent cannot be over-estimated.

I have thought it would be of interest, in the discussion of this question, to take the opinion of some of those who come most into contact with crime, upon some of the issues involved, and I addressed the following questions to public officials connected with the trial of offenders, and in determining the sentence of those charged with what are known as lesser offenses.

First. Is our present system of punishment by imprisonment adequate and deterrent, especially in offenses related to drunkenness, and could it, in your opinion, be improved, and in what respect?

Second. What, in your opinion, is the effect, in cases of youthful offenders convicted of petty larceny or minor offenses, being committed to prison, in contact with hardened criminals, on their future lives, and what suggestion would you make as to modifications of our present system?

Third. It is claimed by public officials in the state of Delaware, where the whipping-post is still in existence, that it is a powerful deterrent against the commission of crime, the effect of which is to largely decrease the volume of crime in that state when contrasted, relatively, with other states, and especially Massachusetts. Limiting this mode of punishment to commitments for drunkenness, wife-beating, and petit larceny, as a first offense, when committed by youths under 18 years of age, do you think that corporal punishment would diminish the volume of crime of this class of offenses, and would its effect upon the offenders be more humane, efficient and less liable to deter them from a life of crime?

I will be greatly obliged for your early brief reply to this note.

I submit some of the replies I have received, but not all, as they would exceed the limits of this paper.

From the state of Delaware I have three letters from members of the Supreme Court of the state:

One from Chief Justice Hon. Charles B. Lore, one from the Chancellor, Hon. John R. Nicholson; one from Ignatius

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C. Grubb, Justice Supreme Court, and the address of John F. Dolan, Chief of Police of the principal city of Delaware, delivered at Chattanooga May 10th, 1899; also one from Edward Fowler, M. D., one of the Fire Commissioners of the state.

From the state of Virginia I have received from Samuel D. Davies, Esq., of the Richmond City Bar, an important communication which shows the racial question and the writer's views as to its effect upon the question in that state.

I also learned from Hon. R. Carter Scott, Ex-Attorney General of Virginia, that there is no "corporal punishment for crime" in that State, save that provided for in Chapter 833, Act 1897–8, p. 859, which provides that "any judge or justice of the commonwealth before whom a minor under sixteen years of age is convicted of a misdemeanor is empowered to substitute stripes instead of fine and imprisonment, or of either, with the consent of parent or guardian. This Act was approved March 3rd, 1898, and has not been long in vogue. The same legislature defeated a bill to re-establish the whipping-post."

I am also in receipt of an important letter from Hon. A. J. Montague, the present Attorney-General, who says:

I regret my inability to attend the dinner and take part in the discussion of the subject. My engagements are such as to preclude the remotest hope of my presence. I also regret that I am too much pressed now to make any suggestions respecting the subject of the paper.

However, I should correct the impression that the legislature of this state has re established the whipping-post. A bill was offered with this proposition in view at the last session of the legislature, but was decisively defeated. I do not think that Virginia will ever revive this species of corporal punishment, though I am confident its deterrent effects, when in operation, were more powerful than fine or imprisonment.

I submit the reply of Hon. C. Shorthall, President of the Humanitarian Society of Chicago.

Also the reply of Z. R. Brockway, General Superintendent of the Elmira Reformatory, and a clipping from a Ger-

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man newspaper, cited by Mr. Brockway, quoting the views of District-Attorney Kein, of Breslau in Germany, advocating the use of corporal punishment for criminals.

Also that of Frank Moss, Esq., Ex-President Police Board of New York city; also the views of Judge Clarence A. Meade, of the Criminal Court of this city, with an extended experience; the views of Hon. W. Payne Letchworth, LL. D., for so many years President of the State Board of Charities of this state; also those of Montague R. Leverson, M. D., Judge Thos. F. Wentworth, of the New York City Criminal Court; and from the Attorney-Generals of Massachusetts and Maryland, and others which I regret that I can not use at this time for want of space.

I submit first the article by Chief Justice Charles B. Lore of the Supreme Court of Delaware:

SUPREME COURT OF DELAWARE,
WILMINGTON, Del., May 10, 1899.

HON. CLARK BELL.

My Dear Sir:—In the twenty-fifth year of the reign of George II, King of England, A. D., 1752, it was "Enacted by the Honorable James Hamilton, Esq., with his Majesty's royal approbation, Lieutenant Governor and Commander-in-Chief of the Counties of New Castle. Kent, and Sussex, upon Delaware, and Province of Pennsylvania, by and with the advice and consent of the representatives of the freeman of the said counties in General Assembly met, and by the authority of the same," that larceny of goods and chattels of above five shillings in value, should be punished as follows: For the first offense; the thief should pay to the rightful owner double the value, if the goods were restored; if not restored, four-fold the value; should be whipped at the public whipping post of the county, with any number of lashes not exceeding twenty-one, on his bare back, well laid on, and should wear a Roman T as a badge of his crime, four inches in length, and one inch in breadth, on the outer part of his left arm, between the shoulder and the elbow, of some distinct color, (it may have been the convict's scarlet letter) at all times when he should travel or appear from his habitation for six months and should be imprisoned until he had paid restitution money and all the costs of the prosecution. For the second offense the lashes were increased to thirty-one, with an hour in the pillory added. The third offense was punishable with death without benefit of clergy. The pillory and whipping post were common instruments of criminal punishment in all crimes of the

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grade of felony; the lashes in some cases running up to the number of sixty. The pillory and whipping post thus inherited from the mother country in colonial times have been retained in Delaware's criminal penal system until the present time; the pillory being used only in a few cases of the most heinous crimes, but the whipping post in cases of felony generally; the highest number of lashes now given in any case being forty. In colonial days, and for a long time thereafter whipping was an almost universal element of punishment in the mother country and in the colonies and states; while it has been abandoned by nearly all other states, Delaware has found it to be most efficient, and has kept it upon her statute books. This has grown largely out of two conditions. First, the northern and most populous part of the state, is a narrow tongue of land about twelve miles in width, wedged in between Pennsylvania on the one hand and Maryland on the other. Across this wedge run two of the great trunk lines of railroad of this country, (the Pennsylvania and the Baltimore and Ohio), connecting the great cities of Philadelphia and New York on the north, with Baltimore and Washington on the south; in each case with a midway, freight train makeup station, located near the city of Wilmington, Delaware; at which stations, it is not an unusual thing, to have a daily dumping of from thirty to forty railroad tramp riders, many of them being of the criminal classes from such large cities. Nearly one-fourth of our convicts are of this class. At a recent term of court in New Castle County one-half of the entire number of convicts had not been in the State of Delaware more than twenty-four hours, at the time of the commission of the crime. Many of these men are brutalized, of the lowest grade of criminals, and take pride in boasting that they whip others and are not whipped themselves. They have a wholesome fear of the whipping-post and rarely return to Delaware for a second application. Were it not for this fear, Delaware would be overrun largely by this class. The peculiar location of the State, therefore, makes the whipping-post something of a necessity in her criminal law. The second, and perhaps controlling reason, grows out of the test of experience, that the whipping-post is the most efficient deterrent of crime known to our laws. It is the most dreaded of all punishments, and in applications for mitigation of sentence, the prayer almost invariably is for the remission of the whipping. It appeals to brutalized nature as no other punishment does, and has made and kept in the past the criminal classes of Delaware relatively small in number. The noted bank robbers, Francis H. Carter, alias Francis H. McDonald, Joseph Lawler, James Thomas, alias James Watson, alias James Hope, and Edward Hurlburt, when caught and convicted in 1873, at New Castle, for attempting to rob the Bank of Delaware, and each tied up to the whipping-post, and whipped with forty lashes, publicly declared that they cared little for the other parts of their sentences, but to be stripped to the waist, tied up to a post, and publicly whipped was a bitter disgrace. Their habit was to give back two blows for every one received. This incident

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emphasizes the effect of whipping upon criminals of all grades. After this whipping these bank robbers were heard from quite frequently in the larger cities in robbery cases, and one of them is reported to have died a few years back in the city of New York worth $75,000; but ever after that whipping they religiously kept out of the State of Delaware. Experience teaches that the whipping-post has kept criminals out of this State, and has tended materially to keep persons living in the State from the commission of crime. Nothing acts upon the perceptions and motives of a brutalized man, like whipping. It is the application of his own medicine, and frequently cures the patient; at least it holds him up to, and reflects himself in his own mirror, and works effectively upon his fear, if not upon his conscience. I firmly believe in the reforming influences and power of love and of gentle treatment, rather than of fear and of harsh punishment, but there are certain natures, some it may be irreclaimable, whose consciences and conduct can be best governed by the application of the rod. To such the Biblical doctrine, "Spare the rod and spoil the child," still applies. The whipping-post has provoked much hostile criticism. Much of it, however, is founded in sentimentality. As a matter of fact the punishment is never accompanied with much physical suffering; our sheriffs are ordinarily humane men. The sting is in the public disgrace and ignominy of the whipping; and in this line lies its efficiency. Delaware has found the whipping-post not only a necessity growing out of her position, but also the most effective preventive of crime, and for these reasons among many others that might be mentioned, has continued its use. Yet I think it may be safely said, that the average Delaware man and Delaware woman are as broadly humane and rightfully sympathetic, as other classes of cultured Americans. The man who beats his wife or loves to indulge in whipping others, is best punished, and most likely to be reformed by the application of his own method of punishment. This at least has been the experience of Delaware ever since 1752, now nearly one and a half centuries.

CHARLES B. LORE,
Chief Justice Supreme Court of Delaware.

SUPREME COURT OF DELAWARE,
John R. Nicholson, Chancellor,
DOVER, Delaware, May 15th, 1899.

CLARK BELL, ESQ., No. 39 Broadway, New York City.

My Dear Sir:—I regret very much that on account of my absence from home, your letter of the 5th inst. reached me too late for the arrangements necessary to enable me to accept your kind invitation for the 17th inst.

It is quite impossible for me, just at present, to take the time to write even one hundred words to be used on that occasion. In reply to your question, however, I think I can assure you that there is no danger of the speedy abolition of the whipping-post in Delaware. It has stood the storm of Northern humanitarian hysteria too long. It is true that some

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legislation is needed in regard to the class of offences to which it applies—limiting on the one hand and enlarging on the other. This, I trust, will be done intelligently.

Had I the leisure, it would give me great pleasure to express my views freely upon the "whipping-post," inasmuch as I have had the discussion of it perpetually forced upon me ever since I was a college boy at New Haven, and since then I have acquired some special knowledge of the subject in consequence of having served my State as Attorney-General, and reviewed the melancholy procession of vice and crime on its way to that venerable institution.

Let me warn you by the way, that very little that you see in the public prints about Delaware is true, or even approximately so. In addition to the many reasons for inaccuracy or falsification, which exist generally, there are several additional ones special and peculiar to Delaware under existing conditions.

With full appreciation of your courtesy, I am,

Very Truly Yours,

J. R. NICHOLSON.

SUPREME COURT OF DELAWARE,
WILMINGTON, May 14th, 1899.

Dear Mr. Bell:—I have just returned home and have your favor of 2nd inst. Tomorrow our May term of Court begins here, and therefore I regret that I shall be unable to be with you on the 17th inst., and also that I have not time to send you the formal paper you desire.

I am unable to send you our various laws inflicting corporal punishment, but they are all contained in the Amended Code of Delaware published in 1893. This you can readily find in one of your public libraries.

In Title Twentieth, comprising Chaps. 126-133, you will find the various crimes for which whipping is imposed as a penalty in Delaware.

Whipping is inflicted for felonies only and not for any less grade of crime, including poisoning with intent to murder (60 lashes), maliciously and by lying in wait, maiming any person (30 lashes), assault with intent to ravish any female (30 lashes), robbery of various kinds (20 to 40 lashes), burning court house (60 lashes), burning a mill, manufactory, warehouse, shop, barn, etc., etc. (20 lashes), breaking and entering a dwelling house, by night or day, with intent to commit any felony other than murder, rape and arson (20 to 40 lashes), larcenies of various kinds (20 lashes), embezzlement by carriers, porters, etc., for hire (20 lashes), making or possessing plates for the purpose of counterfeiting bank notes, etc. (39 lashes), tampering with legislative proceedings by altering, destroying, concealing, etc., any pending bill (30 lashes).

The foregoing comprise substantially all the crimes for which whipping is inflicted in Delaware. It is not yet imposed, or needed,

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for wife beating or other assaults and batteries, which are still misdemeanors in this State.

By reference to our amended Code of 1893, page 983, you will find that in cases of conviction of larceny, when the prisoner is of tender years, or is charged for the first time (being shown to have before had a good character), the Court may, in its discretion, omit from the sentence the infliction of lashes; and in cases where corporal punishment by whipping and the pillory, or either is part of the sentence to be inflicted upon a convict, the Court may, if it seems proper to do so, omit such corporal punishment or either form of it, from the sentence, if the jury recommend such convict to mercy, at the time of rendering their verdict."

Here it is proper to say that our Courts and juries are always disposed to clemency, and that thereby any apparent harshness in our present laws is adequately corrected.

I may also add that, under the laws of Delaware, females are not subject to whipping, or the pillory, as a punishment for crime.

Whipping has been in vogue in Delaware, as a punishment for crime, from its earliest colonial period. That in the general judgment of our people, based upon this long experience, it should be maintained is, I think, incontrovertible. An effort was made before our late Constitutional Convention in 1897, to have it abolished, by those who earnestly opposed it, on sentimental grounds chiefly. But the convention, which must be presumed to have represented the general view of our people, paid little heed to these opponents and disregarded their application—wisely leaving the matter to the legislative discretion in the future. Surrounded, as our small State is, by the vicious classes and expert criminals of several large and populous cities within short traveling distance, our whipping-post has, certainly, in the opinion of our officials and citizens generally, very materially and effectively preserved Delaware and her citizens from their mischievous and perilous incursions.

We have a very signal illustration of this in the attempt made to rob the Bank of Delaware in the city of Wilmington in 1873, by James Hope, of the famous Manhattan Bank robbery in New York, and three others of the most noted and skilled professional burglars in this country.

They were discovered in the act, arrested, tried and sentenced to fine, imprisonment and the whipping-post. They suffered the whipping, but within a few weeks escaped from jail and, with one exception, have never been recaptured and otherwise punished.

But since then their fate at our whipping-post and a wholesome fear of it have proven an effectual warning to the expert professional burglars of the country, for hitherto our State and our people have been exempt from their visitation.

After a personal experience of thirteen years upon our State Bench, I have become convinced that, in its practical operation the punishment of a certain class of criminals by whipping is, under existing circumstances, a needful, economical and effectual means of preventing or restricting the commission of certain crimes in

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Delaware. Without it, many serious and some heinous crimes would be of far more frequent occurrence, to the increased peril of her people and the enhanced cost of her government. And while it is thus needful and advantageous to the State, it is by no means clear that it is useless and detrimental to the criminal, as is so often contended by humanitarians who seem, in the light of actual experience, to be more sentimental than practical.

While in this State the number of offences punishable by whipping may in time safely and properly be diminished, and other humane modifications made in the employment of this remedy, yet in its actual exercise here, it is not, to either the convict or the observer, the brutalizing institution which the fancy of the present or absent, especially the latter, sensational newspaper writer or artist has so often depicted.

Except in the case of certain dangerous or hardened criminals, the lashes are generally lightly imposed. The mere fact that the convict will be subject to the degradation of a public castigation, no matter how brief or light, is usually sufficient to deter from the commission of crime, those who are influenced by such considerations. And where, from misfortune or other cause, such are occasionally convicted, the Court is given ample power to extend the needful clemency and dispense with whipping.

In our judicial experience here, it is seldom that other than hardened offenders are now subjected to the whipping-post, or are a second time thus punished. We find that those who are so, generally belong to that class of social and criminal degenerates who are usually irreclaimable, and devoid of that moral sense and self-respect which would enable them to suffer conscious degradation from the disgrace of either conviction or corporal punishment.

Upon them the well meant protests of sensitive minded humanitarians against corporal punishment are useless and wasted, and without any practical results. Under these circumstances it seems wisest that the protection and interests of the public should not be sacrificed in such a vain effort to reclaim the irreclaimable and to lavish sentiment upon the unappreciative degenerate. Such a policy is too utopian, and better adapted for the millenial era than for the realistic present and the actual problems confronting the practical statesman, legislator and judge who is called upon to deal with the criminal classes under existing social and political conditions.

Whilst the convict is entitled to proper treatment and all philanthropic and reasonable efforts for his reformation, yet these must under every wise, safe and stable government, be subordinate to the infliction of needful punishment for the still broader purpose of preventing crime by deterring or disabling the criminally disposed from its future commission, for the protection of both public and private interests.

This matter of corporal punishment was before the American Bar Association at its sessions of 1886 and 1887, as you will see by reference to Vols. 9 and 10 reports of said association for these

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years, which you can obtain from Judge Lillon, Simon S. Sterne, or any of its New York members.

In Vol. 9, pp. 286-293 (1886), you will find Prof. Simeon Baldwin's committee's report in favor of whipping post for wife beating, etc.

In Vol. 10, pp. 55-73, &c., you will find the debate thereon in the next year 1887. At the close I spoke in favor, but having but five minutes, I ended abruptly and unsatisfactorily, as you will see.

As it was, we got the vote of almost one half of the convention and would have had a much larger vote, except that members, as they explained to me, did not like to vote for it, because of the general prejudice of their people at home, throughout the North and West, against Delaware's much misrepresented and maligned whipping-post.

Enclosed I also send you an address made the 10th inst. by our Chief of Police of Wilmington, at Chattanooga. He has been on our police force for many years and is a very intelligent, practical and experienced officer.

I sent your letters to our Attorney-General, Robert White, Georgetown, Del., and to others.

I regret that I have not time to aid you more fully and satisfactorily.

Yours very truly,
IGNATIUS C. GRUBB.

As a part of the contribution to my paper from the officials of the state of Delaware, in the consideration of the subject from its practical and utilitarian side, as bearing upon the prevention of crime, as well as its practical and humanitarian side, in shortening and limiting sentences of imprisonment for offenders who have families dependent upon them for support, I enclose a letter from John F. Dolan, Chief of Police of Wilmington, Delaware, to whom I applied to contribute a paper, as a part of the discussion of this subject, and the paper he refers to in his reply:

WILMINGTON, Del., May 16th, 1899.

CLARK BELL, ESQ., Secretary and Treasurer Medico-Legal Society, New York, N. Y.

Dear Sir:—Your favor of recent date at hand, and in reply will say that as I am very busy since my return from Chattanooga, Tenn., it will be impossible for me to prepare a paper for you at this time, but enclosed you will find an exact copy of my address as delivered by me at the Convention of Chiefs of Police, also a photograph of Delaware's whipping-post and pillory in use, and I will also say that you are at liberty to use any part of the enclosed address that may be of any benefit to you? Trusting this will be satisfactory to you, I remain, sir,

Very truly yours,
JOHN F. DOLAN, Chief of Police.

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The paper is as follows:

CORPORAL PUNISHMENT FOR CRIME. THE WHIPPING POST AND PILLORY IN DELAWARE.*

BY JOHN F. DOLAN, OF THE CITY OF WILMINGTON, DELAWARE.

As we are here assembled to confer as to the best method of lessening crime, establishing good order in society, insuring public safety, and reforming criminals, we should by an interchange of views be able to formulate that much to be desired plan.

Nearly all sections of our country is here represented, and as each State has enacted laws relating to the punishment of crimes, they differ but little as they all inflict imprisonment and labor as the proper method to deal with criminals whose crimes may be less than murder of the first degree, excepting the State of Delaware, which administers corporal punishment in addition to imprisonment for certain felonies, viz., burglary, arson, attempted rape, and larceny. This mode of punishment existed during colonial times and has been wisely continued during our statehood.

Wilmington, the metropolis of the State which I have the honor to represent, contains about 75,000 inhabitants, or nearly two-thirds of the population of the county, and one-fourth the number in the State. And according to statistics we have less percentage of crime of felonious character than any other State in the Union, and it is greatly owing to the salutary effects produced by that much criticized instrument, the whipping-post. Although it does not entirely prevent the commission of those acts of lawlessness for which it is administered, it reduces it to a minimum. There never has been but one attempted Bank Burglary in our State, and fortunately that proved unsuccessful, as the perpetrators were arrested, convicted and sentenced to ten years imprisonment, forty lashes, one hour in the pillory and a fine of five thousand dollars each.

The term of imprisonment for which they were sentenced did not trouble them in the least, but that portion of the sentence subjecting them to the post and pillory struck them with terror so much that they offered $25,000 to have that portion of their sentence remitted, but they had to submit and take the punishment. They afterwards made their escape by breaking jail and have given the State a wide berth since that time.

Situated as we are, between two large cities, Philadelphia and Baltimore, 28 and 72 miles distant, respectively, and within three hours of New York City, we should be an easy prey for the criminal classes of those cities, were it not for this particular institution, for which they all have a most wholesome dread, in fact thieves passing through out State, although having committed no crime within our borders, are in terror until beyond its boundaries, the very atmosphere being unpleasant and uncongenial to them.

* Delivered at the National Convention of Chiefs of Police, at Chattanooga, Tenn., May 10, 1899. Read before the Medico-Legal Society, New York, May 17, 1899. Read before the National Association of Physicians and Surgeons, at Chicago, May 21, 1899

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We have no penitentiary in our State, but a movement is now in progress to erect a workhouse, the funds for the purpose having been appropriated by the late Assembly, and it remains to be seen whether it will be an improvement on our present system, which consists of a county jail only, in which, on an average, about 160 prisoners are confined, the major part of whom are being held for non-payment of fines and costs, and short term prisoners committed for misdemeanors, the long term and life prisoners being about 40 per cent.

Instead of giving a prisoner convicted of larceny two, three or six years' imprisonment, as is done in other States, and keeping him at the public expense, we give him not less than 5 or more than 40 lashes (grading the punishment) and a short term in prison, and then turn him loose at its expiration, and the occurrence is rare, indeed, when he comes under the lash the second time—he either gives up his habits or else leaves the State.

In many instances the criminals have reformed and engaged in honest pursuits and become law abiding citizens.

I could mention a number of these.

Long terms of imprisonment as punishment do not, to my mind, lessen crime or tend to reform the criminal. When corporal punishment is not included in the sentence the fear of serving time has no terror for him, as the chances for escape are always favorable, or at least considered possible. He may be defended by able counsel, and other safeguards of the law taken advantage of, he has the chance of acquittal by the jury which tries him, for as juries are now constituted there is no knowing what their verdict may be (as I heard a judge once remark, 'that it would puzzle the Deity to foretell the verdict of a pettit jury'), he is willing, under those circumstances, to take chances of conviction, as all he will suffer will be confinement, alleviated with the hope of pardon or escape in the near future. But when he knows that corporal punishment is sure to come immediately after conviction, and from which there is no escape, he will hesitate in the commission of the crime or seek some other locality to do his nefarious work.

As a matter of economy, which is an important feature of the subject under consideration, "the Post and Pillory" have saved our State large sums of money by deterring criminals of other States from visiting us, by preventing in a great measure the commission of the crimes for which the punishment is meted out, by ill disposed persons in our own community, and, in many instances, reforming those that have experienced the unpleasantness produced by this mode of punishment.

I am well aware that this method of dealing with criminals is not in good favor with the citizens of other States. We are called barbarians, inhuman, benighted, and are almost ruled out of the pale of civilization on account of it. And we have within our own State an opposition to its application by a few sentimentalists, who pose as humanitarians, but they have never been able to have it elminated from our statutes.

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Sentimentality will never prevent crime, whatever it may do to foster it, nothing but drastic treatment such as fits the crime will have the desired effect, and for the crimes that I have before mentioned nothing is better than that we administer, and which by long experience have learned is the only method by which we can protect ourselves from the criminal classes, viz: The Whipping Post and Pillory.

LAUREL, May 15th, 1899.

CLARK BELL, ESQ.

Dear Sir:—If you desire my views of the peculiar Delaware institution, I am free to say that in my opinion, the time never was when the whipping-post and pillory were in more favor with the people of Delaware than at the present time. To it we owe our comparative freedom from bank robberies and other crimes. Incarceration does not compare as an effectual deterrent. I know of no prevailing sentiment in favor of its abolition.

Very Truly Yours,
EDWARD FOWLER, Ins. Commissioner.

RICHMOND, Va., May 12th, 1899.

HON. CLARK BELL, Vice-Chairman Psychological Section Medico-Legal Society, New York.

My Dear Sir:—As a participant by proxy, in the important discussion now in progress. I beg to say, that:

All the laws of the State of Virginia, which punished crime with stripes, were repealed by an Act of Assembly passed April 21st, 1882, and have never since been re-enacted.

That legislature was dominated by General Mahone, who acquired his influence as a popular leader by promising relief from the State debt to the whites and the abolition of punishment by stripes to the blacks, who formed the great mass of his followers and had most to fear from the whipping-post. I do not say this offensively, or in any partisan spirit, for I am no politician, but I make the statement as a fact of history, in order to show how largely party politics, and not a deliberate public opinion, was instrumental in bringing about this change in the law.

However, although the Mahone regime was of short duration, the whipping-post has remained as he left it—overthrown.

With us, scourging is acknowledged to be the most effective means ever devised for the prevention of crime, and especially with negroes, who form about 85 per cent. of our criminals.

This mode of punishment has long existed in Virginia—even from colonial times—and was applied to offences of minor grade, such as petty larcenies and embezzlements, and after the war, owing to abnormal conditions, which still continue, it was also extended to a class of misdemeanors to which the negro was peculiarly addicted, such as stealing from offices, stores, warehouses, cars, &c.; maliciously burning bridges, dams and certain houses of less value than $100; unlawfully setting fire to woods, grass, fences or other things capable of spreading fire, &c.

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Reasons of policy, growing out of the institution of slavery, made certain acts criminal in the slave which were not so in the freeman, and punished them with stripes, but, of course, when slavery ceased these special provisions were abrogated and need not be considered.

I must apologize for giving so much time and space to the negro, but literally he is the *bete noir* of our social system at the South. It would be tiresome reiteration to argue the ethnological question and to show that the principles of the common law, originating, as they did, with the Anglo-Saxon race, are utterly unsuited to the negro character, which, in every respect, differs so widely from that of the white. It must suffice, therefore, to say that the innate tendency of the negro to immorality and crime, and especially to theft is so marked and so mischievous, that the question of dealing with him as a law-breaker, is the most perplexing problem in our criminal legislation. He is so conspicuous in crime, that we almost forget that there are other criminals.

And yet the remedy is at hand and only needs the authority of law for its application. The negro has a peculiar abhorrence of stripes. Conviction of felony and confinement in the penitentiary are matters of little moment to him and do not, in any degree, affect his social status with his race. On the contrary, the released convict is generally welcomed back to his people with a sort of ovation and his sins are no more remembered against him, for, according to negro ethics and religion, he never was a sinner.

The infliction of stripes, however, is viewed very differently. That alone brings shame and degradation, and the disgrace is not in the crime, but in the penalty—possibly, for the reason that it is regarded as a relic and a badge of slavery.

Of course, no feeling of this sort influences the white offender, because, as a rule, unless he is thoroughly debased, there is always in him a painful sense of shame resulting both from the fact and the proof of guilt, which he dreads more profoundly than the punishment that follows; and, therefore, a less severe penalty is sufficient to restrain him from the commission of criminal acts. This fact is undoubtedly due to the radical and racial difference, everywhere observable, between the *self-regard* of the white and that of the negro.

Hence, while punishment by stripes operated as the strongest deterrent in the case of the negro, no such extreme penalty seemed requisite in the case of the white. But, inasmuch as the supreme law of the land forbids any statutory discrimination between the races, it was necessary to abolish the whipping-post altogether in order to provide a milder punishment for the white.

No doubt, too, there was an element of humanity, or rather of sentiment, in the legislative policy, which revolted at the infliction of a punishment always cruel in fact, and, in some instances, irretrievably humiliating and demoralizing.

Nevertheless, there are many of our best citizens who would be glad to see the whipping-post restored. They know that neither

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conscience nor self-respect imposes any restraint upon the criminal propensities of the negro, and that the fear of corporal punishment alone (if anything can), will compel him to obey, if not to reverence, the law.

Then, again, it is said that the white criminal deserves no better treatment than the negro, for he renounces all claim to race superiority when he descends to the commission of crime.

In short, there is no doubt, that the supreme efficacy of scourging, as a deterrent from crime, is universally conceded in Virginia, the only difference of opinion being in respect to its propriety, from a humanitarian standpoint.

The late Dr. Minor, for fifty years professor of common and statute law in the University of Virginia, considered the abolition of the whipping-post "unfortunate" and a distinguished judge told me today that he thoroughly approved of that mode of punishment.

But in reference to the punishment of crimes generally, it seems to me that there is another consideration which presents a very serious difficulty. It arises from the fact that the softening and refining influences of modern civilization are rendering us more and more averse to the exaction of harsh and violent penalties, while the viciously disposed members of society, unaffected by those influences, are losing none of their tendencies to evil. And so there is danger that a false sentiment of humanity will be engendered in which the criminal will find assured immunity for his crime. No doubt, we shall continue to hate the offense with all our moral energy, and at the same time, be very lenient to the offender. Hence the tenderness of juries to the most atrocious criminals and the rendering of verdicts which astonish and shock the common sense of justice and of civic duty.

When crime hardens and law softens, there is a radical defect somewhere, and vice is in a clear way to win in its contest with virtue.

If it be asked why the whipping-post, with all its virtues, has not been restored in Virginia, I answer that the combined forces of demagoguery and unreasoning sentimentalism are able to control the situation, whenever a movement is attempted in that direction.

Respectfully submitted,

SAM'L D. DAVIES.

CHICAGO, May 9, 1899.

CLARK BELL, ESQ., 39 Broadway, New York City.

Dear Sir:—Replying to your esteemed favor of the 5th inst., I hand you herewith an address to the legislature of our State, prepared by me, which embodies in large part my position upon the subject of corporal punishment for crime. I will add that I am very confident that the judicious infliction of physical pain by whipping would greatly diminish the number of offences committed by youths under twenty-one years of age. I would advise such punishments to be made without eclat and in the presence of but very few persons (who

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should all be present officially and should include a physician).

I would include among those so punishable (always in the discretion of the Court, however,) wife-beaters, assaulters of very young girls, and all habitual criminals, and particularly all cases of robbery or attempt at robbery accompanied by violence—*these certainly.*

I would also apply the whip to cases of incorrigible and dangerous youth who abound in our cities, under the common term of "hoodlum," when guilty of crime; this last class, which so often carries deadly weapons, and is always upon the very verge of grave crime, I would also particularly include, because as a rule neither their intellectual nor moral nature has ever been aroused or made possible to appeal to.

Assume a case:—An incorrigible boy over whom his parents have no control, (and there are many such,) who spends his nights and days in the company of vicious and criminal companions , who knows nothing of his obligation to his neighbor, nor of the law, except to run away from a policeman; is caught in the very act of stealing a pocketbook from the pocket of a citizen; he is arrested on the spot and taken before a court (a juvenile court if there be such—which court we have erected through our last legislature), the magistrate presiding receives the presentment of the case by the policeman, and hears what the boy has to say, if anything, in defense; if found guilty, the boy is sentenced to, say fifteen lashes; he is taken quietly back into some appropriate room or place, and the punishment inflicted; he is returned to the Court for admonition; the Court addresses him in proper words, shows him his liability to double punishment if he be again caught in this or any similar offence, and dismisses him to his home; the whole operation need not take over sixty minutes from the time of arrest to the time of dismissal. The boy, for the first time in his life, has had some sense of punishment following crime. He has been entirely spared the consorting with older and more vicious criminals and the delays of ordinary procedure; and, more than all, the punishment has come sharply and quickly upon the heels of the crime. Who will contend that such punishment is not immeasurably superior, in its effect for good, to the present method?

I believe the effect of whipping—the infliction of physical pain—in all these cases, and undoubtedly in many other, to be not only more *humane* and *efficient*, but that it would frequently deter the subjects from a further life of crime, it being the only punishment to which their consciousness would readily respond, and through which their sense of obligation to society could be aroused.

In all cases I would have the infliction of such punishment, as I said, brief and inflicted with a humane and paternal motive, namely, reformation.

Yours very truly,

JOHN G. SHORTALL.

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TO THE HONORABLE THE MEMBERS OF THE FORTY-FIRST LEGISLATURE OF ILLINOIS, ASSEMBLED AT SPRINGFIELD.

GENTLEMEN:

With reference to the proposal to add, by Statute, corporal chastisement to the penalties for certain offenses, we urge that we should not be guided by sentimentalism nor influenced by hysteria; but should examine the question under the light of experience.

The Bill presented for your consideration directs the punishment of certain crimes corporally, in addition to the punishments already provided.

The question is a simple one and easily understood, and I ask your consideration of the following in relation to the proposition: We must agree,

First, that the object of punishment is to deter and to reform; and

Second, that physical pain is the only deterrent appreciable by those in whom the moral sense is either unawakened or destroyed.

We must make punishment just and adequate, or it becomes either entirely useless, or, worse, an incentive to additional crime; and often, indeed, a question of profit, e. g., if a person criminally appropriate $50,000, is he not profited in his own judgment if he give in exchange three to five years of his life (comfortably clad, fed and housed at the State's expense)? One can readily see that this is no punishment.

We demand fair play for both criminal and victim; the community's punishment of crime must be fairer, that is, more adequate; hence the suggestion of punishment which has a deterrent quality. No punishment except physical pain has that quality for the person to whose fine nature you cannot appeal. Would you appeal to the high sensitiveness in the mind of the beaters of mother and sisters, tried the other day before Justice Dooley (see foot note 1), or in the assaulter of your little girl? A mere fine or imprisonment for the average term is insufficient punishment. Its inadequacy is easily seen.

The penalties for crime in the latter part of the last century

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[1] TWO BRUTES ARE FINED.

LIGHT PUNISHMENT FOR BEATING THEIR MOTHER AND SISTERS.

Two robust appearing men stood before Justice Dooley at the Maxwell street police court today and gazed shamefacedly about while their aged mother and three sisters told of cruel treatment received at the hands of the prisoners. The latter gave their names as William and Matthew R., and said they lived at — West Thirteenth street.

According to the evidence presented, the prisoners have not done a day's work in nearly a year, but have lived on the earnings of their sisters. The latter work at night, while the brothers sit about the house through the day and take things easy. They also, according to the evidence, abuse their mother and beat the sisters. Recently William, who is the elder of the two, attacked his youngest sister, Margaret, when she objected to his taking from her a portion of her lunch. The girl was knocked to the floor, and when she cried the brother struck her again with a broom. Then, it is charged, he announced his intention of killing his mother and sisters. His brother Matthew took a hand in the discussion and threatened to cut the throats of the members of the family.

William, according to the testimony, recently snatched a kettle of hot water from the hands of his mother, and in dashing it to the floor almost scalded her.

Both boys denied the charges, but were reprimanded severely by Justice Dooley and sent to the Bridewell on fines of $10 and costs each.—*Chicago Evening Post, March 21, 1899.*

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and beginning of the present, were as inadequate, as ill-proportioned, as those of to-day; they were too violent in many cases; there was no justice, nor decency we would say, in hanging a thief for stealing a sheep; but there were many valuable, adequate and generally approved penalties that were swept away, when hysterical clamor for the impossible reformed the code. We have swung too far in the opposite direction.

From the days of Solomon it has been well known that when the rod is spared the child is spoiled. We believe it to be true to-day. We believe it to have been an error to forbid corporal punishment in our public schools. There is a class of public school children amounting to at least ten in every hundred who know no controlling force other than the rod; who are undisciplinable and naturally disorderly; and for those who need such discipline the rod is the most wholesome. (2)

Notwithstanding assertion to the contrary, we think we err seriously in all this tenderness toward school-hoodlum and street-hoodlum, toward the assailant of the peaceable upon our highways, toward all who make our streets dangerous by night, who assault our young children, who make it necessary for the orderly citizen to carry weapons of defense—in fact, toward the whole felon class.

May we ask why we should tenderly "consider the manhood" of the common felon? Did he show it when he committed the offense he is on trial for? We say to you, gentlemen, we must punish in the manner that will be best understood; we shall thus protect society.

Fifteen or twenty years ago the highways of England were made dangerous by an epidemic of garroting; the police seemed helpless, and the people were terrorized. Upon consideration the Magistrates were called together, and it was determined to add punishment by whipping to all guilty of robbery and other crimes accompanied by violence. It was so ordered. Result: the first three or four cases were practically the last; full publicity was given them, and garroting instantly disappeared, and the crimes of the highway, in which the revolver, sandbag or slung-shot were conspicuous, disapeared also.

Have we not arrived at a point in the development of the child-hoodlum at which we may well sit down and consider together?

God knows, we all want to save the child; for, if the child can be saved, the cockatrice egg thus crushed, all the subsequent evil is averted. This question is agitating the most benevolent and far seeing of our land, and great good is being done year by year in the saving of our children. It is not for us to discuss this question here; but we would say in aid of this benevolence: Let us in our treatment of hoodlum and criminal recede from the complex and, to them, incomprehensible doctrine of sentimentalism, that love

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[2] The figures are by one of the principal public school educators of Chicago, who adds: "We are very glad to have corporal punishment omitted from our duties; yet this ten in a hundred appear clearly on the way to destruction from which they would as clearly be saved were there an adequate physical punishment provided."

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compels good in all—we will not deny the great truth below the thought when comprehended by the animal—and let us take up the old, simple and radical methods, so easily understood, so far as they teach and enforce the fundamental principles of duty to State, to neighbor and to family; remembering that in man, gradually and naturally, the animal develops, earlier or later according to his environment, into the intellectual, and this again similarly into the moral; and that, until moral perception have developed in the animal man, nothing will permanently teach him anything of moral duty except that which gives him physical pain.

We would be glad if you would give the bill for an "Act to provide for the additional punishment of certain crimes and offenses by whipping," presented by Hon. John R. Newcomer, a fair and full consideration, and, if your wisdom shall approve, that it become the law of the land. We will simply add that of which you are well aware, namely, that if it shall be found in practice to be ineffectual it can be easily repealed.

ELMIRA, N. Y., May 10th, 1899.

HON. CLARK BELL, 39 Broadway, New York City.

My Dear Sir:—Your's of the 5th.

There is need of reform in the department of administering punishment for misdemeanors. The present prison system as it relates to misdemeanants is very faulty, does not deter from crime and is also, I believe, productive of crimes. There are of convictions yearly in the Courts of Special Sessions, hearing misdemeanor cases, and in the Courts of Record, hearing felonies, between sixty and seventy thousand, in the former, with less than four thousand in the latter.The recalcitrant human beings of the mass ground out in the mill of the Special Sessions Courts familiarize themselves with arrest, trial and usually with short periods of detention, with idleness and vicious associates, they constitute the soil for the growth and development of criminals of all grades.

Approximately 50 per cent. of the felonious prisoners in this Reformatory have, according to their own admission when received here, been previously subjected to arrests, imprisonment in station house, or jail or juvenile asylum or workhouse or penitentiary, or have been inmates of some domiciled charitable institution.

The basis of the new and useful imprisonment for the correction of crime and criminals is the indeterminate sentence.

The true system of treatment in imprisonment is that which is rationally reformative, not for retribution or intimidation.

I do not know from any personal knowledge, what is the effect upon the volume of crimes in that State of Delaware's substitute for imprisonment, but the first imprisonment of children and youth, should be prevented when possible and only accepted as a last resort. It is stated that the probation system of Massachusetts works well. Possibly this Delaware system is useful, but we should guard ourselves against conclusions based upon alleged statistics, since it is well known that there are

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not in this country or any other, any criminal statistics by which a scientific knowledge may be had of the movement of crime.

Beyond question, there is a considerable class of young offenders in prison and out of prison, whose recovery to orderly and industrious behavior in a free community can be best accomplished, possibly only be accomplished by some proper use of corporal treatment. The question will sometimes arise whether young criminals or prisoners should be surrendered to evil ways, to habitual crime, or be rescued by resort to a physical application. The fact that for a given class of crimes and public misbehavior there will surely and quickly follow a consequence,easily appreciated by the offender, would act as a check to certain misdemeanor offenses, but any scheme of penology whose basis is chiefly a deterrent one, cannot, I believe, prove effective in preventing crime.

There are practical difficulties, as you yourself know, in the way of introducing and applying physical treatment for certain crimes, but I am free to say that for some young criminals and prisoners, a simple corporal infliction, not as punishment, but for correction, is the most humane and effective of all coercive measures anywhere in use.

Very respectfully yours,

Z. R. BROCKWAY, General Superintendent.

P. S.—I enclose you herewith an article taken from a German paper, which will no doubt be of interest to you.

District Attorney Keil, of Breslau, Germany, while reading a paper on "Youthful Criminals," advocated the introduction of bodily punishment for young criminals. He is oposed to this mode of punishment for old offenders, but claims, since parents, teachers and masters of apprentices assume the right of bodily punishment, the State should assume the same rights against young criminals and include such punishment in the penal code. His remarks were closely listened to by those present, and the president of the association asked for a general opinion of the members at their next meeting.

NEW YORK, May 4th, 1899.

CLARK BELL, ESQ., Secretary Medico-Legal Society, 39 Broadway, City.

Dear Sir:—In answer to your esteemed favor of May 3rd I would say:

1. Our present system of punishment by imprisonment is not adequate and deterrent in offences relating to drunkenness. It is only useful in removing the drunkard from public view, and preventing him from injuring society.

There is hardly anything reformatory about our prisons; their influence rather tends to the deepening of criminal impulses and the spreading of criminal influences. One of our greatest needs is a more enlightened and scientific treatment of offenders, designed not only to put them out of the way of doing harm, but also to correct their evil tendencies.

2. Youthful offenders should never be permitted to come in con-

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tact with hardened criminals. A youth convicted of crime and senteneed to prison is almost certainly committed to a criminal life. Such institutions as the New York Juvenile Asylum, the House of Refuge and the Elmira Reformatory tend in the right direction.

3. I have no doubt that whipping is a proper method of punishment for those offences in which manhood is degraded. The perpetrators of wife-beating, cruelty to children and sexual crimes could be flogged with benefit to themselves and with the approval of society. Whipping for drunkenness would be worse than useless, and would only tend to destroy the slumbering spark of manhood, which is the only hope of reformation. Drunkenness is more a disease than a crime.

Stealing by children is largely the result of inherited tendencies, evil associations and carelessness of parents. I think that when kleptomania develops in a child he should be separated from society and restrained in such an institution as the Juvenile Asylum. I have in mind several cases where punishment at home has had no result for good, and reformation has been accomplished in such an institution.

Yours truly,

FRANK MOSS.

NEW YORK, May 4th, 1899.

CLARK BELL, ESQ., New York City.

My Dear Mr. Bell:—Your favor of May 3rd duly received. In answer to the questions contained in your letter I will state that

First: I do not consider our present system of punishment by imprisonment adequate for offenses relating to drunkenness, and it could in my opinion be improved by the use of the whipping-post.

Second: Youthful offenders convicted of petty offenses should not be committed to prison where they come in contact with hardened criminals, and I would suggest that there should be a reformatory run on different lines than the Brockaway institution founded in this State, where this class of minor criminals could be educated and learned trades during their terms of imprisonment.

Third: I think that the officials in the State of Delaware, where the whipping-post is still in existence, entirely right, when they report a large decrease of crime in that State. Drunkenness, disorderly conduct and wife beating all appear to arise from too liberal use of intoxicating liquors. In 95 per cent of all the cases the wife and children complain against the father, they being worn out and tired of his constant drunkenness, abuse and beating. The defendant (generally the husband) is locked up, as the case may be, from one to six months, and the wife and family in a very few days are brought to the realization that while a father or husband is away from them and peace is restored in the family that they lose his weekly earnings for their support. They are then called upon to choose between continual ill-treatment and support or a peaceful home with no way of maintaining it by their own efforts. Now, if in all the city prisons there was a room set aside for punishment by whipping the same as is now in vogue in Delaware, the

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prisoner on being found guilty be taken to this said room and receive a certain number of lashes (as the court might direct) and then give him his freedom so that he could return to his work; the disgrace of being whipped, in my opinion, would have a more beneficial effect on his conduct than locking him up on the island for a few days where either the wife begs him off or induces some neighbor to go on his bond for his good behavior.

I enclose your letter so you can read the questions you have asked me which I briefly tried to answer.

Very respectfully yours, C. A. MEADE, ESQ.

GLEN IRIS, May 13th, 1899.

CLARK BELL, ESQ., Chairman Executive Committee Medico-Legal Society.

Dear Sir:—In reply to your inquiry as to whether I consider our present system of punishment by imprisonment adequate and sufficiently deterrent, especially in offenses relating to drunkenness, I beg to say that I think it is not. I regard it as radically imperfect. To enumerate the glaring weaknesses of our present system and describe a better one I must needs write an essay upon the subject, which I am sure is not what you wish.

In regard to the much-talked-of re-establishment of the whipping-post, I may say that if its use is justifiable under any circumstances it is for the offense of wife-beating; but I am opposed to flogging for any cause. The striking of a human being while under restraint arouses all the evil passions of his nature. The act is degrading, and it destroys self-respect, which is a necessary element in character-building. In many of those thus punished a spirit of revenge is implanted, and a class is created which eventually becomes a secret menace to society. It would seem that there could be no more apt retribution than flogging to the wretch who flogs his wife, but I believe there are other forms of punishment, which, if not equally efficacious, are less harmful and more in keeping with Christian civilization.

In regard to our methods of reforming juvenile delinquents, in most of the American States there is a lack of classification. Children who are only wayward, sometimes simply unfortunate, are classed with incorrigible and hardened offenders, in whose companionship they are irretrievably corrupted. In New York State we mistakenly classify by age instead of by character and offense. Our institutions for incorrigible youth are usually too large. They should always be on the cottage and family plan. The reformation of girls and young women should be assigned to women. Industrial and trade instruction can be extended much farther than at present. The State agency systems of Massachusetts and Michigan, which largely dispense with the reform school, could be more generally adopted with great advantage. I might enlarge on this theme, but will refer you to a pamphlet sent herewith entitled "Children of the State." On pages 37 to 58 I have elaborated my

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thought on this subject and touched on other points which I deem essential in the successful reforming of juvenile delinquents.

I am, with great respect,

Very truly yours,

WM. PRYOR LETCHWORTH.

In considering Juvenile Delinquency under class (e), we come to the more difficult part of our subject. While conceding at the outset that there are many excellencies in our system of dealing with juvenile delinquents, and that we have many admirable institutions for their treatment, I strongly believe, that, with the present intelligence shown in management, under a different system, it would be possible to attain still better results. I therefore venture to point out what I deem to be some existing defects, and, also, to hazard the presentation of a plan which is the outgrowth of close study of the views of specialists in reformatory work in different countries, and of extended personal observation.

It has long been painfully evident to me that there was a lack of discrimination in sending young persons to reformatories. We find in the same establishment the truant from school; the homeless child, committed as a vagrant; the disobedient and wayward, committed as disorderly; the petty thief, and the felon. Generally some classification is attempted in the institution, either by age or by character; but this does not effect the end sought. The different classes meet at religious services, at entertainments, and on other occasions, and soon become known to each other. It matters little what name is given to the institution—whether House of Refuge, Industrial School, Reform School—or if the name is changed occasionally. Receiving felons, it soon becomes known as a criminal institution, and the stigma of crime is affixed to the name of all who are committed to it. The character of the institution is formed from its most hardened class. The busy world does not ask of the graduate for what offense he was committed. It is sufficient to know that he is a "House-of-Refuge boy;" and he goes out into the world with this ugly brand upon him, which he soon finds must be hidden before he can hope to rise. Thus a great wrong is inflicted upon the innocent—the greater because of their helplessness—a wrong that should call forth a protest from every generous heart. Who among us, looking with pride at his family escutcheon, and cherishing reverently the names of an honored ancestry, would not hazard his life to defend an inheritance so dear? Take home the thought that one of us, through the poverty or death of honest parents, might have been forced into association with felons and an unjust official record made against us—a blot that must rest upon the name of succeeding generations. Hardened criminal youth should be separately treated in institutions specially adapted to their reformation; and other provision should be made for children simply unfortunate.—(Extract from Children of the State, pp. 37-38-39.)

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Dr. Montague R. Leverson submitted his views as follows:

At a time when this recurrence to the practices of savages is being warmly advocated by many well meaning but half-informed gentlemen, the notice is too short to do adequate justice to it. The undersigned can but briefly notice the arguments pro and con and leave the meeting to weigh between them.

First in favor of such a mode of punishment.

1. The punishment is appropriate to offences of cruelty; herein it stands on the like footing with judicial killing to murder.

2. The punishment has special terrors for the class of animals who commit offences of cruelty. Here end, as it seems to the undersigned, all that can be said in favor of corporal punishment as applied to adults. Before proceeding to consider the objections to it, it is desirable to limit the field, by assuming that the only power of corporal punishment which is to be discussed is that of whipping.

1. By the very nature of the case the punishment is unequal. a. The person selected to inflict the punishment may strike hardly or slightly, so that the afflictive character of the punishment depends not upon the judge, but upon the good or ill will of the executioner.

b. It is also unequal because of the very different degrees of physical sensibilities of the criminals.

c. It is also unequal because of the difference in their moral sensibilities.

d. It is also unequal because the same corporal infliction upon two individuals may pass off with a few hours or minutes of suffering to the one, while it may inflict life long disease upon the other.

This objection is an extension of that above classed as 1 b.

2. It increases the brutal disposition of the criminal, and even though it may suppress its violent expression, this brutal disposition will find vent for itself in other directions.

3. It familiarizes cruelty to the people who witness, or read of it. It excites all the evil passions of men; and what these can be, we have lately seen among the savages of Georgia, and in the letters written home by the officers and soldiers now engaged in the war carried on, without the consent of Congress, against the patriots of the Philippines.

Whether or not whipping by their parents should not be substituted for fines or imprisonment inflicted by our courts upon children, is too large a question to be considered here.

ELKTON, Md., May 11th, 1899.

CLARK BELL, ESQ., No. 39 Broadway, New York.

Dear Sir:—In response to your letter of the 5th of May, which was received today, I submit to you such information as can be readily obtained upon the subject matter of your letter.

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There have been but two cases of whipping for wife-beating under the existing law of this State since its passage; this does not afford a sufficient basis to make any estimate as to its deterrent effect in the prevention of this crime. While there must have been numerous cases of this criminality there seems to be a repugnance upon the part of the magistrates and courts to resort to it.

One of these cases occurred in this county on the 17th day of August, 1896. A white man by the name of John T. Boots, living at Chesapeake City, while under the influence of liquor, met his wife on the highway near this town (Elkton), which is five miles distant from the former place, and cruelly beat and bruised her. He was arrested and tried before Justice of the Peace Philip M. Groves, of this town, and sentenced to receive ten lashes on the bare back and be imprisoned for thirty days. He was whipped in the jail of this county, by Sheriff Harvey H. Mackey.

So far as this particular criminal is concerned I have no information as to the moral effect of the punishment upon him. Its social effect upon him was to prevent his procuring employment as a laborer (to which class be belonged). His crime and its punishment resulted in his social ostracism to such an extent that he appealed to the State's Attorney, who gave him a letter appealing to people to give the man an opportunity to labor and support his family.

I have never given much thought to the specific questions you ask as to the deterrent effect of peculiar punishments upon crime, and am not prepared to do so, but in a general way I have considered this subject, and I am prepared to say that human ingenuity will never invent forms of punishment which will deter or prevent crime so long as the causes exist which produce criminals, and are allowed to exist by consent of the very people who are exercising their ingenuity to punish crime. The source of all crime lies in the social injustice which breeds want and poverty for the masses of men who produce all wealth, and wealth beyond the dream of avarice for the few who produce nothing.

Poverty degrades, embrutes and embitters men, and hence is the prolific source of crime. Until the laws of distribution are radically amended so that productive labor can reap a just reward, and the idle parasite who absorbs the wealth which labor creates (and therefore owns), is suppressed, crime must ever exist and increase with the increasing tendency of wealth to concentrate in the hands of the few.

In the application of the principle of God's eternal law of justice to all his children in the affairs of human government, lies the abolition of crime. It is the evidence of social disease, it is not punishment it needs so much, as remedy.

I am afraid, from the trend of the subject upon which the eminent Judge Baldwin will discourse, that your very excellent and humane Society is working in the wrong direction.

I am, my dear sir,
Very respectfully yours,
JOHN G. WILLIAMS.

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40 CENTRAL PARK, SOUTH,
NEW YORK, May 17, 1899.

HON. CLARK BELL.

Dear Sir:—I can imagine a condition of things where the existence of the whipping-post would be a beneficent institution.

There is a class of offences and also a class of offenders for which the whipping-post, as a corrective, would be effective. From an ethical standpoint, however, have we not outgrown the idea? Will the best civilization and the most progressive thought tolerate it? I think not. Brute force belongs to the formative period of society; it was employed when government or the social compact was crude and there were fewer crimes, and when the relations of men to each other in a state of society were less complex than now. Society is fast classifying itself, so that in spite of the original idea that each man in the Republic was a king, by reason of a voluntary federation, material and ethical differences compel some men to look up and permit others to look down.

The liability to corporal punishment would be confined largely to the lower or less intelligent classes, where wife-beating, for instance, more commonly occurs, and it would not be long before popular opinion would claim that there was summary punishment for the humbler and more degraded class, with only the slower process of the law for the superior. We must not forget that when a husband of social distinction and wealth knocks his wife down the offence is far more heinous and shocking to the moral sense than a similar act perpetrated by an ignorant man of evil bias and low environment.

When we inspect the lower strata of society, we find men and women who do not appreciate our horror of wife-beating, but rather expect it occasionally as an incident of a Saturday night carousal or surrounding circumstances. Seldom is the husband, or perhaps I should say, often is the husband not altogether to blame. Many of these women have a refined provocative capacity peculiar to the common life in which their lot is cast, and but for which the assault would not have occurred. We husbands of the upper class, for the same provocation, would apply to the courts for a separation, calling it "incompatibility," while these people do not expect or aspire to compatibility and hardly appreciate our serious treatment of what are ordinary accidents in their every day life. It is only from our standpoint that wife-beating is regarded as such a brutal offense; and being from our point of view a degrading and brutal crime, we at once name as a punishment a method equally degrading and brutal, in order that the offender may experience a humiliation commensurate with the horror with which decent people view such an indecent act. I doubt, however, if the class whom we seek to affect would experience the humiliating effects aimed at, while the results would be brutalizing as appealing to the lower rather than to the higher instincts of their nature.

Any method which involves physical suffering as a punitive rem-

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edy is becoming more and more objectionable as refinement advances and reason and logic become more and more scientific. We would not make such laws for a refined and educated community, and our masses are entitled to the same intelligent discrimination that we apply to ourselves. Adapt your laws to the ordinary ideals of modern progress and advanced thought, then turn your attention to the masses of your population, and by public schools and humane discipline gradually lift them into voluntary obedience and good citizenship. A balky horse cannot be cured by club and lash; morals cannot be inculcated by the whipping-post.

The whipping-post in Delaware is a remnant of the Silurian epoch of their civilization. It fitted them once and they have not altogether forgotten the habit. They had a negro slave population and a poor white class, which were never improved by this brutal punishment. Abolish it now and no effort could ever restore it to the State of Delaware.

As I understand your question, you ask if this punishment should be applied to youths under 18 years, and for the crimes of petty larceny and drunkenness as well as wife-beating. I say no most emphatically, and I say further that no Legislature in the State of New York will ever enact such a law for the punishment of children under 18 years. Such an unusual and degrading punishment, if inflicted at all, should be inflicted only upon adults of superior intelligence, capable of appreciating the indignity and the corresponding humiliation consequent thereto.

The relation of the State to unruly children is paternal and, in a measure, corresponds to the relation of parent to child. Fifty and seventy-five years ago the discipline of the family was frequently expressed by corporal punishment of the boys by the father. A harness strap and the woodshed are associated in the recollections of many who have survived that stern and Cromwellian period in our history. Occasionally some one says, "it did him good"; but if you stop to think for a moment, you will at once realize that as the customs and habits of the people now are, it not only would not be done, but would not be permitted to be done, and men and women are frequently being arrested on complaint of neighbors for whipping their children. No more will our people permit boys to be whipped by statute for minor offenses, and what hope is there for any right development of a boy whose early years are dotted with the memory of the whipping-post—so degrading to youthful pride and manhood?

As to petit-larceny, why make such a fuss about petit-larceny? Here, again, in a large measure, the immature, the ignorant and the unfortunate of society would "catch it." I take it that corporal punishment in some of its aspects is the most severe and most degrading that can be imposed. Then why not take in grand larceny? When a man robs a bank of $100,000, or a poor widow of her last thousand, what could be more effective than to sentence the accomplished, intelligent and skillful rogue to a public whipping and two years in State prison, instead of five years in

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State prison alone? A man who steals a loaf of bread or $2 should not have all the possibilities crushed out of him by a degrading and shameful punishment; but a man who deliberately plans a large embezzlement may be said to have abandoned all hope and ambition for honesty, and the State might very well complete his degradation by the whipping-post as a part of his punishment.

I'd never erect a whipping-post for drunkenness, unless all intemperance were made to share in the penalty. I am not sure but there is just as much misery caused by intemperate eating as by intemperate drinking. I don't see why an habitual drunkard should be whipped at the whipping-post, while gourmands and food-guzzlers go scott free. But the strongest objection to such punishment for the drunkard is that only about one-half of the offenders get punished, and this half again belongs to the poor, irresponsible and ignorant class. You and I have our club, where, if we overstep the limits, kind friends take us home in a carriage and a forgiving wife wraps hot cloths about our hot heads. The poor unfortunate laborer, who likewise looks upon the cup as a recreation, has no place to go to but the corner saloon, where he is entertained until his money is exhausted and then thrown out to be taken to the station house.

I think the penalties already existing are sufficient for the punisment of minor offenses. The prevalence of minor crimes in a community depends largely upon the character and attitude of the general public. The addition of severer penalties does not, as a rule, improve the morals of a people. Where a wise and judicious punishment exists, adjusted to fit the average intelligence, I doubt if the increase of small crimes can be attributed to insufficient punishment or be cured by additional penalties. We have in this community penalties to cover most every conceivable offence; if results are disappointing, it is due to lax administration, public indifference, or low tone of moral responsibility on the part of those charged with the duties of citizenship.

Yours respectfully,

THOS. F. WENTWORTH.

BALTIMORE, May 6th, 1899.

CLARK BELL, ESQ., No. 39 Broadway, New York.

Dear Sir:—Your letter of the 5th inst. has been handed me as the successor of Attorney-General Clabaugh of Maryland. In reply to your inquiry, I do not care to express an opinion upon the first of your questions. As to the second question, I do not think it proper for youthful offenders to be committed to prison, where they come in contact with hardened criminals, and in this State we have a number of reformatory institutions where youthful criminals are sent. We allow whipping, in the discretion of the judge, for wife-beating in this State, but for no other crime. I do not consider it a proper form of punishment for any offence, and do not believe it has accomplished anything in this State with regard to a suppression of the crime for which it is authorized.

Yours truly,

GEORGE R. GAITHER, JR.

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BOSTON, May 9th, 1899.

CLARK BELL, Esq., 39 Broadway, New York, N. Y.

Dear Sir:—I have your circular letter of May 5th, asking my views upon the question of corporal punishment for crime.

It may perhaps be a sufficient statement of my views to say, briefly, that I am radically opposed to the use of corporal punishment under any circumstances, even in the discipline of children by their parents.

Yours very truly,

H. M. KNOWLTON.

The papers submitted in the discussion of the able contribution by Judge Simeon E. Baldwin, of the Supreme Court of Connecticut, show in a most forcible manner, the impressions made upon the judicial mind of those whose duty it becomes to administer the law, and to define and fix the sentences of criminals, not only the vice of our present system of punishment, especially of youthful offenders, but as well those offences that involve cruelty and brutality in the commission of crime.

I have always believed that punishment should not be at all retributive or vindictive in character. I know of no prominent modern author, who does not base the power of the state, to inflict punishment upon offenders, upon the deterrent, rather than upon the vindictive or recriminative results.

The eminent authority cited by Judge Baldwin, does not, in my opinion, reflect the higher opinion of the abler penologists of our age upon this subject.

The object of punishment should be to prevent crime, rather than to adjust its punishment by its just deserts. Legislators should seek for punishments that would be most deterrent, and not necessarily most drastic, and these should not be vindictive in character. If this be the standard of search and inquiry, the whip, in its deterrent effect, seems by the testimony of those most competent to judge by personal experience and knowledge, to stand at the head of all other methods yet devised by man.

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In Deleware, the pillory seems, in the laws, to have been regarded as more severe than the whip, as it was administered in cases where very severe punishments were intended. There is no physical suffering at all in the pillory. Its work is efficacious only on the mental condition, the sense of shame of the offender, and his consciousness of public odium and disgrace. The whip adds to the mental suffering of the pillory, that actual physical pain, which accompanies its serious application. "Well laid on" meant something distinct and definite in a sentence. To certain brutalized criminal natures, this form of punishment has indescribable terrors.

The rod seems to come first into our minds, when we hear of a diabolical act or crime. "He ought to be flogged within an inch of his life," is our first mental ejaculation, when we hear of a peculiarly depraved and brutal crime.

In New York we are seeking now a suitable punishment, in our minds, for the kidnappers of Marion Clarke, which so strongly moved every heart with sympathy for the parents. What better punishment could be suggested in such a case than the whipping post?

The wife beater, in an aggravated case, severely merits a punishment, if we speak of just deserts, that cannot be imposed under our present form of law. His offence is equally cowardly, cruel and brutal. It is also vindictive, and is the action of force and violence on those unable to resist. In this case, we are obliged to confess, no matter what our prejudices are or may have been, "that the punishment fits the crime."

Our minds do not revolt against it. On the contrary, it is a natural suggestion, if we think of a suitable vindictive compensation.

The New York World, which seems to feel an especial horror of the whip, recently proposed an ineffaceable brand

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of the letters W. P. on the criminal. This would be a thousand-fold more terrible than the whip, in its consequences. The whip might and would, doubtless, as a deterrent, prevent any repetition of the offence. The public branding would obliterate opportunity for repentance, and its good results, from the criminal, and leave him without any future or the light of hope. I should oppose such a penalty. The crime of wife beating is almost always committed when the man is drunk. I can conceive of nothing more terrible for a man to endure than the punishment suggested by the New York World. The whip would be the lesser evil, and, if it prevented a repetition, would be an angel of mercy to the victim.

As a summary of the conclusions demonstrated by the debate, I give the following:

1. It should not be within the power of a judge to commit to prison for the first offence, any youth under the age of 19 years, where he would come in contact with hardened criminals.

2. Our present system of punishment for petty offences does not, in its practical effect, operate as a deterrent against the commission of crime, and has, on the contrary, a tendency to increase, rather than diminish, the volume of crime, especially of the class of minor offences.

3. The whipping post is the most powerful form of punishment, when considered as a deterrent against the commission of crime.

4. The experience of Delaware demonstrates that its use there has tended to diminish the volume of crime, when contrasted relatively with other American states.

5. That it is the duty of our legislators to establish corporal punishment for crimes, under careful restrictions:

a. For wifebeaters.

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b.. For offenders where cruelty and violence are elements in the crime committed.

Lombroso contends in his recent work, "The Cause and Cure of Crime," that imprisonment, so universally adopted as a punishment for crime, is, in fact, the worst of all remedies (if, in fact, we may not call it a poison rather than a remedy); is always applied as the simplest and most practical of the means of safety. We are forced, by the logic of facts, to study the criminal himself, rather than the crime he has committed, and the whole subject of the best and most efficient means of punishment must be re-examined in the light of biology and sociology, if we wish to place them on a solid and scientific basis. Truant schools for the young, and inebriate asylums, and the splendid work of the Elmira Reformatory are beacon lights for the care and consideration of that subject.

Imprisonment, as Lombroso says, is the simplest and most practical. Because it is easiest, and gives us less thought and exertion, we are prone to accept it unthinkingly. That this is a failure in a large class of cases, is forcing itself upon judicial minds and thoughtful students of penology, and we do well when we carefully consider the deterrent effects of one kind of punishment over another, and we need not be disturbed by the allegations of inhumanity of methods, from thoughtless and pseudo humanitarian sources.

It is the most humane to use the quickest and most decisive punishments.

The wave of public sentiment against the use of corporal punishment, which has swept past us in the recent past leaves us on ground where we can consider, calmly and dispassionately, whether the hour has not come for a reaction. The pendulum of public thought on this subject has swung to the farthest limit: it is now moving back again in the opposite direction.

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THE WHIPPING POST FOR WIFE BEATERS.

BY REV. PHEBE A. HANAFORD.

Years ago, in my girlhood, I learned that my honored and beloved kinswoman, Lucretia Mott, was strongly opposed to corporal punishment in schools, and, though her influence, the rod was laid aside in the schools of Nantucket—her native place and mine. My belief in her wisdom was such that her words seemed infallible, and, therefore, through the long years that have intervened, up to the present hour, I have cherished a prejudice against corporal punishment. In training my children I refrained largely from any such punishment, and felt satisfied to enforce my directions with different penalties.

I am still greatly averse to much whipping of the little ones, believing that they need to be guided, rather than driven into right paths. And I remain averse to the resumption of flogging in the navy, over the abolition of which practice, I greatly rejoiced, because it seemed hard and cruel, and was often resorted to, by sea captains or other officers on board ship, out of spite against some disobedient or disagreeable sailor. The punishment was beyond the desert of the crime, and did not tend to benefit the culprit. Moreover it was brutalizing in its tendency, and had evil influence on the man who wielded the cat, (who might even regard the victim as innocent), and evil influence on those who viewed the act of discipline.

But when the question arose as to the whipping post in connection with wife-beaters, I began to modify my views on corporal punishment, I recognized the enormity of the man's crime, and the inadequacy of its punishment under present laws and customs.

And now I have reached the conclusion that only the infliction of pain on his own body will deter the ugly domestic tyrant, from beating the woman he has sworn to love, honor and protect. Drink makes a man ugly, and he vents his ill-temper on his un-

Read before the Medico-Legal Society (Psychological Section) in New York, May 17th, 1899.

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protected wife. The law should protect her, and punish him for failing to do so.

If the law fines him for his brutal act, the money which he pays as his fine, is so much substracted from his earnings for his children's bread. If the law takes the ugly wife-beater to prison his family loses wholly his support, and the State adds to its burdens by supporting him in jail. If the law takes him at once to the whipping post, he is not hindered long from his work, if at all, to support his family, as he is in duty bound to do, and the State is saved what it would cost to feed him during a term of imprisonment.

We may well assume that the wife-beater does not like bodily pain, and a short time spent at the whipping-post—he being compelled to be passive, and some other man with strong muscles vigorously active,—the wife-beater learns two lessons: one, how it feels to be beaten, and the other, that the law will not allow him to whip his wife without inflicting the same upon himself. The wife will not be likely to receive a second beating.

The objection may be raised that to those who may behold a man whipped at the whipping-post, the sight would be demoralizing. Very well, then let the punishment be in private. Some one may ask, "Where, then, would be the lesson to the public?" I reply, surely the vast public does not need such a lesson. And those who do need it will soon hear of the law and its penalty, and be deterred from wife-beating; or, if they break the law, will be convinced by the experiences at the said whipping-post, of the superior blessedness of letting the wife alone, and treating her as they would wish to be treated. They would soon learn the Golden Rule,—Confucius-fashion—"Do not unto others that which you would not have them do to you," and would be more likely to advance toward that Golden Rule as the Lord Jesus taught it: "Do unto others as ye would have them do to you."

Negative law-abiding citizens are better than law-breaking citizens, but the whipping-post for wife-beaters will help toward positive law-abiding citizens. And that is the kind we desire.

If the wife-beater learns to leave off his liquor drinking, because alcohol makes a wild beast of him, and makes him cruel, and brings him to the whipping-post, so much the better for the man and the community. And if such men stayed out of the saloons, so that they might not be tempted to drink, and then

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abuse their families, the saloons might in time, disappear, "a consummation devoutly to be wished."

If it be said it may injure the man who inflicts the punishment at the whipping post, i. e., make him hard-hearted and morally callous, the reply may be that the man would be simply performing duty laid upon him, and as he would be deterring a sinful brother man from continuing in sin, he might even feel that he was blessing humanity by his fidelity to an unpleasant duty. He would be striking blows not to rivet the fetters of evil, but rather to unloose them and set the captive free.

If public punishment be needed in order to cover the offender with shame, and thus deter him from his evil ways, then it might be public, but usually the man who beats his wife is utterly devoid of self-respect, and has no "decent regard to the opinion of mankind." The news of the punishment will speedily become public property, whether the whipping-post be in sight of all men or not. There is little chance of privacy or concealment in the white light or the lurid glare of the Nineteenth Century press.

I cannot but believe that justice and mercy alike demand the whipping-post for wife beaters, till human rights are by all men respected, and every sort of needful protection is given to that sacred place called "Home."

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CORPORAL PUNISHMENT FOR CRIME.

BY REV. ANTIONETTE B. BLACKWELL, OF NEW YORK.

Every question has at least two sides. One as broad as this concerning the best methods of dealing with crime, should have four or five several sides, each with something of value recommending it to our consideration. The paper of the evening, interesting and able from that point of view and commanding our serious attention, gives us but one aspect of the subject. As partial care for the lesser offences, the immediate effect of whipping might be considerable, but would it not involve a return to the untempered weapons of the criminal himself? Like for Like may be bad or good.

If we fall back on underlying first principles, was it not said with authority, "Ye have heard that it has been said, an eye for an eye and a tooth for a tooth." But I say unto you "that ye resist not evil" with a like evil of course. Like for like, blow for blow, seems here to be discountenanced imperatively.

Nature gives her punishments like her rewards, as the legitimate and inevitable result of wrong or right conduct. The wrong brings some kind of sure loss, the right an equally sure gain. The nearer we come to this principle, adapting the penalty as a necessary outgrowth of the crime, the greater will be success in preventing other's crimes and in checkmating this one. Restraint in some forms seems to be the natural check for every form of crime which harms other people.

In earlier days when there were no secure prisons, the penalties of all kinds needed to be and were short, sharp and decisive. So long as their houses were only tents, there were no strong walls within which to restrain dangerous members of the community. Blow for blow, poisoned arrow for poisoned arrow, was the law; and to strike back was developed into an instinct which all of us share to some extent.

Now we have prisons enough. We can shut bad people into our human menageries for longer or shorter times. But a civili-

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Delivered at the discussion of Judge Simeon E. Baldwin's paper, before the Psychological Section Medico-Legal Society, May 17th, 1899.

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zation which has not yet learned that men kept for weeks or months without occupation, may be made ten-fold worse than before, that living with nothing for hands or hearts or brains to do means drifting towards idiocy and irresponsibility, such a civilization has adopted a remedy which is worse than that of primitive man in its effects upon all the parties concerned. Can there be any system more wasteful, more worse than useless for protecting society, for reforming the prisons, and for piling up needless expense, than that of committing, say, the habitual drunkard, over and over again a dozen or fifty times for a few short weeks; and so tying up his or her hands from even a fitful industry, and leaving the family at home to suffer.

Yet bodily punishment is already out of date Children are not whipped at home as they once were. Such punishments are forbidden in schools. It has been learned that beating the flesh has no true relation to the wrong doing of the mind; and we are, as a community, getting on all the better because of this new lesson now taught and practiced by the best people. Shall we return then to the already nearly discarded whipping post?

It may seem a presumption to express a very positive opinion. Fifty or a hundred years ago a woman would not have done so, and I am sorry to set up my views against those of the learned judge, but women do have very positive convictions, and in these days they are invited to express them. It seems to me that the cure for crime does not lie in the return to blows for blows, or to beatings for any crime whatever.

It must lie in justly restraining and controlling the criminal proved to have injured his neighbors; in requiring him to pay for his own expenses by hard work, and to earn something towards the support of his dependents.

While he is also given time, instruction and opportunity for improvement, which may lead him to a better life whenever he is again a free man. Give us long and helpful commitments.

This system would be in every way a gain for all parties. It would be at once, a justice, an economy and a benevolence.

I advocate restraint and control of convicted criminals of all grades, with hard work and humane surroundings continued long enough not only to really protect the community; but to cover expenses incurred by the State, to board the criminal and contribute towards the supppport of dependents; and to accumulate something to enable the past criminal to take up free life again not wholly as a pauper, but as an honest citizen. Public and

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private improvements are crying to be done! There will be available work enough at least for the 20th century! Justice, benevolence and good sense can better afford to devise such humane and economical restraints, combined with measures for the criminal's own improvement, than to continue the present wasteful wholly inefficient system or want of system.

And fighting barbarism with one of its own weapons—like that of the whipping-post—is a kind of civil war which cannot prosper.

No one is really benefitted by the degradation of another. Are we the children of one All Father? I would sooner be scourged myself than have to see my brother beaten and disgraced in the eyes of all near and dear to him. There is some kindred feeling at the bottom of the heart of the worst and basest child of the Common Father.

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TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

MARCH MEETING, 1899.

Medico-Legal Society met at Waldorf-Astoria Hotel, March 15. 1899, the president, Mr. Albert Bach, in the chair. In the absence of Mr. Clark Bell from the city, Mr. Coarbalk acted as secretary pro tem. The minutes of February meeting were read and approved.

The following new members were duly elected:

ACTIVE MEMBERS—Henry Wollman, Esq., of Kansas City; Judge Jose Varela Jado, Associate Justice Supreme Court of Santiago de Cuba, proposed by Clark Bell, Esq.

Abraham Levy, Esq., 61 Park Place, New York City, proposed by Albert Bach, Esq.

A paper was read by Clark Bell, Esq., entitled "The American Government and People and the English Home Secretary."

A paper, by Sophia McClelland, which was laid over to this evening was read entitled "Overpressure in Education a factor in the Mental Deterioration of the Race."

Mrs. McClelland's paper was discussed by Dr. W. S. Watson, who concurred with Mrs. McClelland in her opinions; he said that this question is of vital importance; what is necessary in public schools and educational establishments in general is discrimination in what is assigned to the pupils; crowding of children in the schools, and forcing too much on their juvenile minds, is an evil that must be remedied. He would suggest the appointment of a board of examining physicians. In his experience as a practicing physician he has treated several cases of nervous and mental prostration resulting from overpressure in study; but most striking of all was that of a young girl; she was the youngest of three daughters in the family; the parents submitted them to the same course of study, and while the elder sisters went through successfully, the youngest broke down under the strain of overwork, and became a physical wreck."

Dr. Pritchard asserted that as overtraining of the body degenerates the organs, so overwork of the brain degenerates the mental capacity, and in the nervous system there must be a constant proportion between waste and repair; this rule applies particularly to the nervous system, and the more so because this system directs the whole human body, is paramount in the normal functions of the individual; over taxation of intellectual forces is an evil and should be remedied.

Mrs. Taylor agreed with the former speakers and added "that something practical ought to be done towards alleviating the actual

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unbearable condition of the school children; a visit to the public schools is sometimes a sad and heartrending spectacle; the emaciated and wornout faces of the children ought to appeal strongly to the heart of every mother and father. Measures should be taken and this Society ought to originate a movement to obtain the appointment of a special Commission by the State to supervise the hygienic and also intellectual condition of the schools."

Mrs. Maybanks-Stacey said that the members of the Women's Press Club and the Women's Republican Club have already taken steps to this end; they have petitioned former Mayor Strong for more kindergartens and better physical training. In her opinion the intellectual sense is well developed in the children, but the ethical and moral senses ought to be developed proportionately, and there is a conspicuous lack of moral training in the educational system of today. The above-mentioned societies have lately sent a delegation to Albany for the purpose of petitioning the Legislature for the appropriation of $150,000, to be devoted to the educational amelioration of the city; influence ought to be exerted on the Legislature.

Mrs. Albert Bach spoke. She said: "That there is lack of ventilation in the public schools, and the principal reason of the breakdown of children is unsufficient hygienic measures in the schools; for instance, children are not allowed time enough to take their midday meals; bad digestion is the result with consequent diseases so fatal to children."

Dr. Watson said "that children ought not to be allowed to study outside of the school,that school hours are quite sufficient to impart to them the knowledge required by the official programs; when children come out of school let it end there; there is more actual need of sleep, because sleep repairs the waste of the brain."

Dr. Pritchard—"that children learn too much and they are too ambitious; the school program ought to be curtailed and limited by the superintendents."

The President, Mr. Albert Bach, contended that the programs of the schools are overcharged; they are actually far less than 25 years ago, when the speaker was himself a student; the schools in general have better hygienic arrangements and better physical training; the responsibility for the evils pointed out by the learned members, rests chiefly and primarily with the parents; let us commence to reform our homes if we wish to reform our schools; parents are too ambitious; they want their children to learn too much; and if they fail to do so they force them to it; hence the pitiful physical condition of children; there is lack of hygienic measures more in the houses of the parents. Another capital point is that the parents alone can know the mental capacity of their children, and they ought to judge what the child is capable to do and set him to it accordingly.

A member of the Society inquired how a commission can judge, examine and measure the mental capacity of a child? It seems impossible to her and she concurs with the president that the parents

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are better situated than anybody else to know the mental capacity of their children.

Mrs. Albert Bach suggested that in every street in the City of New York there should be a special place well aerated and ventilated for the children of the neighborhood to play in, during the winter afternoons, as much evil comes from their staying in-doors during that period of the year.

In closing the discussion Mrs. Sophia McClelland maintained her assertion that brain power is reflected in the physical condition of the child.

The Society adjourned.

ALBERT BACH, President.
A. COURBALK, Secretary Pro Tem.

APRIL MEETING, 1899.

April 19th, 1899, Society met at Waldorf-Astoria at 8 p. m. Mr. Albert Bach, President, in the chair; Clark Bell secretary and Caroline J. Taylor assistant secretary. The minutes of the January, February and March meetings of 1899 were read and approved.

The resignation of Dr. Thomas Darlington, treasurer, on account of his illness, to take effect on April, 1899, and its acceptance by the Executive Committee of the Society, was announced.

The action of the Executive Committee, announcing that the secretary had been authorized and empowered to act as treasurer until a treasurer was elected, was announced.

The retiring treasurer made no report. Mr. Clark Bell, as acting, treasurer, reported that $55.00 funds had come to his hands from the retiring treasurer which had been disbursed on order of ex-official, and that he had received the sum of $29.00 from collections, which was in hand.

The following were elected as members on recommendation of the Executive Committee:

ACTIVE MEMBERS.—Michael J. Mulqueen, Esq., New York City; Thomas Garrett Fennell, Esq., 61 Park Row, New York City; proposed by President Albert Bach.

M. J. Manduiey, Justice Supreme Court of Santiago de Cuba; Judge Louis Gaston, Justice Supreme Court of Santiago de Cuba; proposed by Clark Bell.

The Executive Committee have requested members to contribute one bound volume, each year, to the Library of the Society. Such contributions will be announced.

The paper of W. B. Chisholm, Esq., of Auburn, N. Y., on The Case of Sheldon; It's Sequel, and the Theory of Contact Shots, was read by the Secretary.

Dr. Frank Ferguson, of New York, who had been invited by the Chair to discuss the subject of Contact Shots, who was present, asked permission to prepare and submit his views to the Secretary, which was granted, and Dr. Ferguson suggested some names, whom he recommended should be invited to give their written views on the subject of Mr. W. B. Chisholm's paper.

The paper of Mr. Wollman, of Kansas City, entitled Expert Tes-

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timony, was read. Prof. M. C. White, of New Haven, gave notice of submitting his views upon the paper.

An informal discussion was had as to place and method of meeting for the Society, and Dr. W. Annie Hatfield favored a return to the plan of last year, to meet at dinner monthly,and have the paper follow the dinner, to the consideration of the Executive Committee for the May meeting.

The resignation of Judges Chas. G. Garrison and L. A. Emery on the Maybrick Memorial Committee, on account of their inability to act, by reason of the pressure of official duties, was announced, by the Secretary, and that the President had appointed Judge Conway W. Noble, of Cleveland, Ohio, Judge W. H. Francis, late of Dakota Territory, and Jas. L. Bennett, ex-U. S. District Attorney, U. S. District Judge for the Eastern District of New York, on such committee, was announced.

The Society adjourned.

ALBERT BACH, President.
CLARK BELL, Secretary.
CAROLINE J. TAYLOR, Assistant Secretary.

MAY MEETING, 1899.

Medico-Legal Society met in joint session with the Psychological Section May 17th, 1899, at Hotel St. Andrew, at dinner, with an unusually large attendance. After the removal of the cloth, the Medico-Legal Society convened, President Albert Bach in the chair, Clark Bell secretary, and C. J. Taylor assistant secretary.

The minutes of the April meeting were read and approved.

On recommendation of Executive Committee, Hon. Wm. P. Letchworth, of Portageville, N. Y., and Dr. Helen Densmore were duly elected.

The Treasurer reported that he had received $106.25 in all from his predecessor and from in. and dues. That he had disbursed $79.25 on orders and that $27 remained in his hands. The report was received and ordered on file.

The Society then adjourned, and the Psychological Section convened, Vice-Chairman Clark Bell in the chair, and Caroline J. Taylor acting as secretary. The Chairman introduced Judge Simeon E. Baldwin, of the Supreme Court of Connecticut, who read a paper entitled "Corporal Punishment for Crime."

The Chairman called President Albert Bach to the chair, while he read a paper contributing to the discussion of "Corporal Punishment for Crime," and embracing contributions on the same theme from Chief Justice Lore, of the Supreme Court of Delaware; Chancellor J. B. Nicholson, of the Supreme Court of Delaware; Judge Ignatius C. Grubb, of the Supreme Bench of Delaware; Insurance Commissioner Fowler, of Delaware; Chief of Police John L. Dolan, of Wilmington, Delaware; Sam. D. Davies, Esq., of Richmond, Va.; R. Carter Scott. of Virginia; A. J. Montague, Attorney General o. Virginia; Hon. S. Shortall, of Chicago; Z. R. Brockway, Superintendent Elmira Reformatory; District Attorney Kein, of Breslau,

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Germany; Frank Moss, Esq., ex-Pres. Police Board, New York City; Judge Clarence A. Meade and Thos. F. Wentworth, of New York; Hon. W. P. Letchworth, LL. D., Montague R. Leverson, Esq., John G. Williams, Clerk of Circuit Court, Elkton, Md.; Geo. R. Gaither, Jr., Attorney General of Maryland; H. M. Knowlton, Attorney General of Massachusetts, and others.

Mr. Chairman:—There are hundreds of wife-beaters in the city of New York. Eight years ago a brutal husband tore out his wife's eyes when beating her. In a letter to the N. Y. World, I began the agitation for the erection of a whipping-post for wife-beaters only. A bill was presented to the New York Legislature and the Senate voted unanimously for its passage, but it was lost in the Assembly by only three votes. I received nearly one hundred answers to my letters published in the World from wives who had been beaten by cowardly husbands. Many poor creatures called to see me in person. There are a number of good-hearted, inexperienced people who cry "barbarism" when the wife-beating whipping-post is proposed. Well, which is the greater evidence of civilization, the existence of thousands of confirmed wife-beaters in New York or the erection of whipping-posts throughout the State as preventives of wife-beating? I say erect the posts. Their shadows will seem to the wife-beating cowards like the ghosts of the murdered wives who have been killed by the knife, pistol and club of these terrible degenerates. The posts will not be erected as much with the intention of punishment as with the idea of prevention. The advocates of the post are convinced that nothing but corporal infliction will ever restrain the murderous propensities of the inhuman wife-beater.

Prince T. B. Paudian, of India, was introduced, who said:

Mr. President, Ladies and Gentlemen:—I thank you for your courtesy shown to me this evening. I think it not advisable to make a lengthy speech, so late in the night, especially after listening to the excellent papers on the subject, and to the charming speeches of the previous speakers; however, one thing strikes me forcibly, viz: the sufferings of humanity, which is one of the oldest and far-reaching problems that the human mind has to encounter.

The nature of the sufferings may be different; there are general and special causes for these sufferings; when a man fails to observe the rules of society, he disturbs the peace of society, and that of his own. For the sake of the happiness of society, and for his own sake, the law-breaker must be corrected; the house of correction does not seem to do much good to the wilful criminals, and in fact the jail sometimes becomes a pleasure palace to them. In such cases a scientific touch on the body seems to be necessary. According to Thomas Carlyle "we touch heaven when we lay our hand on the human body." No doubt, nothing is holier than the body of man in high form, and logically, the body becomes a hell in its low form. Nay, a seventh hell, when it is attached to a whipping-post. In India the lash is in universal use as a punishment for petty offences, and in higher crimes there is added stripes to imprisonment, especially in second offences.

There it is universally believed to be the best method of punishment for crime—the most efficient, humane and deterrent in its effect. There is no public sentiment in India against flogging as a punishment, and I know of no movement for its abolition.

The discussion has been of profound interest to me, and I thank you all for the opportunity I have had of listening to it.

Mr. Bell then resumed the chair and the paper of Judge Baldwin

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and the subject was still further discussed by Rev. Phebe A. Hanaford, Rev. Antoinette Brown Blackwell, Mrs. M. Louise Thomas, Judge Wentworth, Montague R. Leverson, Esq., M. D., Wilson MacDonald and Price T. B. Paudian, of India. The remarks of the various speakers appear in our columns.

There was a very large attendance and great interest aroused in the discussion.

The Chair announced that the same subject would be discussed at the annual meeting of the American Society of Physicians and Surgeons at Chicago, on May 31, praeimo, with the same speakers.

The Section adjourned.

ALBERT BACH, President.
CLARK BELL, Secretary and Vice-Chairman of Section.
CAROLINE J. TAYLOR, Assistant Secretary.

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EDITORIAL.

THE CASE OF MRS MAYBRICK.

At the June meeting of the Medico-Legal Society, held June 31st, 1899, Mr. Clark Bell, Chairman of the Maybrick Memorial Committee, made the following preliminary report of progress as to the work of the committee:

To THE MEDICO-LEGAL SOCIETY, FELLOWS:—

The resolutions adopted by the Medico-Legal Society, on the 30th of January last, hereto attached, express the general public sentiment in this country.

The committee named as a memorial committee, at the time the resolutions were adopted, has been changed slightly. Hon. L. A. Emery, of the Supreme Bench of Maine, and Hon. Charles G. Garrison, of the Supreme Bench of New Jersey, were unable to give the requisite time for a careful examination of all the evidence, which was voluminous, and were at their own request excused from serving on the committee, and Hon. W. H. Francis, late United States Justice of the Supreme Court of Dakota Territory, and the Hon. Conway W. Noble, late Judge of the Common Pleas of Cuyahoga Co., Ohio, were appointed in their stead, and the Hon. Jas. L. Bennett, ex-United States District Attorney for the Eastern District of New York, under President Cleveland, was added to the committee.

It is now composed as follows:

Clark Bell, Esq., LL. D., President International Congress, and ex-President of the Medico-Legal Society, Chairman.

Jas. L. Bennett, ex-United States District Attorney for the Eastern District of New York.

Abram H. Dailey, ex-Surrogate King's County, and ex-President Medico-Legal Society.

A. J. Dittenhoeffer, ex-Judge New York Common Pleas.

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W. H. Francis, ex Justice United States Supreme Court of Territory of Dakota,

Michael J. Hirschberg, Justice Supreme Court State of New York,

Conway W. Noble, ex-Judge Court of Common Pleas of Ohio.

Pardon C. Tillinghast, Justice Supreme Court of Rhode Island.

This committee has completed the memorial to be presented to Sir Matthew White Ridley, Home Secretary for England, and they are collecting the opinions of chemists, toxicologists and medico legal jurists, who have examined all the evidence in the case before the magistrate, at the inquest, upon the trial, the charge of the trial judge, Sir James Fitz James Stephen, and such of the subsequent evidence laid before the Home Secretary as has been made public, on which they base their opinions upon the case, for the use of the Memorial Committee, to be forwarded to the Home Secretary for England in support of the memorial.

The chairman of the committee, on the completion of the memorial, asked permission of the President of the United States to forward it through government channels to the Hon. Joseph H. Choate, American Ambassador in London, for presentation.

Col. John Hay, the American Secretary of State, informed the committee that this request was granted, and the memorial was sent through the American Secretary of State in May, to be followed by the later documents and petitions, the form of which has been approved by the committee.

As many thousands of petitions from Americans have already been filed with the English Home Secretary, praying for the release of Mrs. Maybrick, including that of President McKinley, and every member of the American Cabinet, when Mr. Blaine was Secretary of State, senators of the United States, and high public officials, the committee decided not ask for or forward general petitions, as a part of its labor, but to have

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organizations, members of the Medico-Legal Society who desired to do so, and a few names accompany the papers attached to the petition, the language of which is as follows:

TO THE GRACIOUS AND ILLUSTRIOUS QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND EMPRESS OF INDIA.

The Petition and earnest request of the undersigned citizens of the United States of America, and others resident therein, on behalf of FLORENCE ELIZABETH MAYBRICK, a native of the United States, at present confined under the sentence of penal servitude for life in prison in England.

That your Petitioners have always cherished and entertained towards yourself warm feelings of regard and admiration.

That it is their desire that friendship and mutual good feeling should ever exist between the two great English-speaking Nations.

That they have watched with great interest, the trial of Florence Elizabeth Maybrick, their country woman, and the events which have followed it; that they entertain grave doubts, shared in, as they believe by High Authority and by many in England, that the verdict of Guilty against her was not warranted by the evidence; that the sentence of penal servitude for life substituted for the death penalty, was and is being inflicted, for an offence of which she was not proved guilty; that they desire to urge with all its force the consideration that the unhappy woman has now suffered the rigor of imprisonment for nearly ten years; that they have no desire to impute anything against British Law; that they ask with deep respect, and rely with confidence upon the mercy of the noble Queen of Britain, to exercise the Royal prerogative, so grateful to her own heart, and release the unhappy one, to the arms of her sorrowing old mother, whose only surviving child she is. And your petitioners will ever pray that peace and happiness attend you.

The members of the Medico-Legal Society, who wish to attach their names to this petition, can do so on application to the officers, either of which will gladly furnish a copy for that purpose.

The Memorial Committee have been authorized by the Executive Committee of the Medico-Legal Society, to take the views and opinions of prominent jurists, chemists and other members of the body, in furtherance of the work and endorsement of the action, and if time permits, the committee will avail itself of this action, which, however, involves a careful examination of the complete evidence and the judge's charge, and necessitates delay.

It has been most difficult to obtain copies of the evidence enough to make its examination possible to the various mem-

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bers of the committee so widely scattered, and to jurists and medico-legal experts. Messrs. Lumley & Lumley, of London; Mrs. Riggs, of Liverpool; W. H. S. Monck, of Dublin; Mr. Alexander W. MacDougall, of London; The Baroness de Roques, mother of Mrs. Maybrick, now at Rouen, France; Ida Trafford Bell, Dr. Helen Densmore, Mrs. Caroline J. Taylor, Mr. Heathcote Hardinge, of London, the Hon. John Hay, Secretary of State, and Lord Russell, of Killoween, are the names of some of the many to whom the committee are under great obligations for kindly aid and assistance in securing copies of the evidence, for the use of the committee, and the others who have examined the same.

The first instalments of additional documents, to accompany or rather follow the memorial, was sent early in June, and others during this month. These will be followed later by others as soon as they can be prepared and arranged for transmission.

The committee do not feel at liberty, pending the action of the English Government upon the memorial, to publish any part of the text of the memorial, or of the papers sent forward for the consideration of Her Majesty's Home Secretary, nor the names of those who have given their opinions upon the case.

The American Ambassabor, Hon. Joseph H. Choate is giving this movement his most powerful aid and support.

It is hoped that this effort, which has the sympathy of the American Government and people, may be crowned by success.

At the Annual Dinner of the Medico-Legal Society, held January 30, 1899, Mr. Clark Bell offered the following preamble and resolution, which were duly seconded and unanimously adopted:

WHEREAS, The English Home Secretary commuted the sentence of death pronounced against Florence E. Maybrick, for the alleged murder of her husband, by poison, to imprisonment, during her Majesty's pleasure for the alleged reason "that the evidence did not wholly exclude a reasonable doubt whether his death was in fact caused by the adminis-

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tration of arsenic," which action was upon the advice of the trial judge, who shared the doubt entertained by the Home Secretary, as the reason for the action, and

WHEREAS, We believe, that if the jury who tried her, had entertained the same doubt, as to her guilt of the crime charged as induced the Home Secretary, to commute the sentence, it would have been their duty, if properly instructed, under the law of England, to have acquitted her on the trial, as it was their clear duty to have done, upon all the evidence in the case in our opinion, and

WHEREAS, From a careful examination of the evidence, it is in our opinion not only probable, but quite certain, that Mr. Maybrick's death, was not in fact due to arsenic at all, but to other causes, and

WHEREAS, It is the opinion of many British counsel of eminence, who have carefully examined the evidence upon the trial, among whom is the Lord Chief Justice of England, that she was not guilty of the crime for which she was indicted and tried and should therefore be released, and

WHEREAS, The belief in her innocence of the crime for which she was tried and condemned, is almost universal among her American countrymen, which belief is shared by a very large number of the people of the British Islands, where she is and has been for more than nine years confined in an English prison, and

WHEREAS, The request of the President of the United States, who deems her innocent of the crime for which she was tried and condemned, for her release as an act of international comity, has been refused by the English government, and

WHEREAS, Her long, and as we believe, unjust imprisonment is a source of irritation in America, and a hindrance to that complete and hearty feeling of amity and friendship that is felt in the American states towards England, and which we believe is shared by a large number of the people of Great Britain, and

WHEREAS, We believe that her release would greatly tend to cement and establish a more perfect and sincere friendship between the two countries, therefore be it

Resolved, That a committee of seven be named by the Chair, whose duty it shall be to memorialize Her Majesty, the Queen of England, through the Home Secretary of Great Britain urging her release, with power to said committee to call for the signatures of others to petitions, praying for her pardon and release from her present imprisonment.

The Committee is composed as follows: Clark Bell, Chairman, of the bar of New York City; ex-Judge Conway W. Noble, of the Ohio Common Pleas; ex Judge Wm. H. Francis, U. S. Supreme Court, Territory of Dakota; Judge Michael H. Hirschberg, of the Supreme Court of New York; Judge Pardon E. Tillinghast, of the Supreme Court of Rhode Island; ex-Judge Abram H. Dailey, of Brooklyn, N. Y.; ex-Judge A. J. Dittenhoefer, 96 Broadway, New York City, and ex-United States District Attorney Jas. L. Bennett, Eastern District of New York.

In behalf of the committee.

CLARK BELL, Chairman.

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RIGHTS OF AMERICAN GIRLS WHO MARRY FOREIGNERS.

There is a wide difference in the state of the law of the United States, as held and administered here, in respect to the question of Denationalization and Expatriation, and as held in Great Britain, and indeed of most of the countries of continental Europe. A contrast, drawn between the law, as held in Great Britain, respecting the question of Nationality and Citizenship, of an American lady who marries an Englishman and resides in England, and that held by the American courts, will be of interest to a large number of American families who have made such alliances abroad;

The Law in Great Britain.

By the law of England an English-born subject owes perpetual allegiance to the British Crown.

Cases are reported in the British Parliament papers where the rights of a British-born widow of an American or other foreign-born husband, after the dissolution of their coverture have been recognized, and held that they have the right to elect to claim the benefit of their British birth and citizenship, and that if they did so elect and claim, that they must be treated and protected by the British government as British subjects.

Notwithstanding the rule of the English common law it was understood and recognized in England that a British girl, marrying an American or other foreigner, and going with her husband to reside in his country, became by the act of marriage and foreign residence, a subject of the country of which her husband was a citizen.

No law, however, was passed upon the subject until the 18th day of May, 1870, when Great Britain for the first time distinctly and legally recognized the expatriation of a British subject, by the Naturalization Act passed on that day, recognizing

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the right of an English-born woman to expatriate herself by marriage to the subject of a foreign country.

Part I, Section 10, provides as follows: "A married woman shall be deemed to be a subject of the State of which her husband is, for the time being, a subject;" and Part II provides, "that a British-born woman may at any time, after her widowhood, regain her lost citizenship, by complying with the provisions of the act."

Many, and indeed most, of the continental codes of Europe contain similar provisions, and the English Rule, as modified by the naturalization act of May 12th, 1870, is very generally regarded, both in Great Britain and upon the continent, as their International Law upon the subject.

This act distinctly recognizes the expatriation of a British-born girl, by marriage to a citizen of a foreign country, residing abroad, and clearly recognizes the denationalization of the British subject, without any declaration or renunciation, and treats the marriage as such an act, on the part of the wife, as to terminate her rights as a British subject, and recognizes her as a subject of her husband's country, if she, on or after marriage, goes there to reside.

It, however, clearly provides how, after the death of her husband, by complying with the terms of the act of 1870, she may again become a British subject, and be restored to all the rights which the British subject enjoys to the protection of that government.

The Law in America.

The law in the United States of America is, under the American Constitution and decisions, quite different.

By the 14th Amendment to the Constitution of the United States, all persons born or naturalized in the United States are declared citizens of the United States.

While article 1, of section 8, paragraph 4, of that instrument, confers upon Congress the power to establish uniform rules of naturalization, under which power Congress has passed several acts to carry this paragraph into effect, no act has ever

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been passed by Congress, either permitting, recognizing or providing for denationalization.

The Constitution of the United States is absolutely silent on the subject of expatriation; but the Supreme Court of the United States, under the powers conferred by the Constitution, has passed upon the question and decided it, so that it is the settled law of the country, best stated and summed up by Chancellor Kent, after an examination of the cases of Çhirak vs. Chirak lessees, (Wheaton 220), Santissima Trinidad (Wheaton 283), the charming Betsy (2 Cranch) and other cases, as follows:

"The better opinion would seem to be that a citizen cannot renounce his allegiance to the United States without permission of the Government to be declared by Law, and as there is no existing Legislative regulation on the case, the Rule of the English common law remains unaltered."

The principle underlying this opinion was, that under the Constitution and laws of the United States, the power to denationalize a citizen rested in Congress alone; because only that department of the government had the power to denationalize; and up to the time of the passage of the British naturalization act of May 12th, 1870, the American Congress had never enacted any law, authorizing the expatriation of an American citizen, by virtue of a foreign marriage; nor has it since.

It is and has been settled law in the United States of America that an American woman does not change her nationality by marrying an alien, and it has been already held, that an alien woman, who is the wife of a foreigner not a citizen of the United States, may become an American citizen by naturalization, and her husband remain a foreigner, and that this can be done by her without the consent of her husband.

The line of decisions is unbroken, that an American woman cannot and does not lose her citizenship by contracting a foreign marriage. In Proest vs. Cummings, 16 Wendell 616–626, it was held, Judge Nelson, afterwards Chief Justice of the United States, writing the opinion, "that in the act of Congress, known as the Naturalization Act, the words 'any alien, being a free white person,' included an alien married woman,

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and that an alien wife might be naturalized without the consent of her husband."

As an example, the celebrated case of Florence E. Maybrick. It is clear that, under American law, Mrs. Maybrick never lost her American citizenship by her intermarriage with Mr. Maybrick. She has always, by our laws and under our Constitution, remained an American citizen, and has not and could not, under American law, lose her citizenship.

By the Act of Congress, approved July 27th, 1868, Section 3, it was provided as follows:

"And be it farther enacted that whensoever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty, by or under the authority of a foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appear wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if release so demanded is unreasonably delayed and refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary to obtain or effect release."

It is perhaps not surprising that our Secretary of State, Mr. Blaine, in his correspondence with the British government, in regard to the release of Mrs. Maybrick, being very likely unfamiliar with the law of the United States on the subject, fell into the error of supposing that the codes of continental Europe and the statutes and laws of England governed in the cases of American-born women marrying British subjects, and that it did not occur to him to take the advice of the law officers of our government upon the questions, which have a very peculiar and extraordinary importance in the United States, from the fact that so large a number of American-born women have intermarried with foreigners whose rights, under the American Constitution and laws, the American government is bound to protect under the Act of July 27th, 1868, as above referred to.

There can be not the slightest question under the settled facts in this case of Mrs. Maybrick, had they occurred to any British born woman marying here, convicted of a crime and imprisoned here, after the death of her husband, claiming the interposition of the British government, and claiming British citizenship, which

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claim had been forwarded by the American government to the British government, and which had obtained the recognition of the British Parliament or of the officers of the British government, as exists in the case of Mrs. Maybrick, these facts would be conceded by Her Majesty's Home Secretary to have established the right of her claim to English citizenship, and under English law, and that it would be impossible to maintain, in that case, that Mrs. Maybrick was not an American citizen.

She should be so recognized under the Act of May 18th, 1870, even under English law, because from Woking Prison Mrs. Maybrick addressed a letter to the American Minister, Mr. Robert Lincoln, in 1892, requesting him to forward it to the President of the United States, claiming American citizenship, and asking the intercession of the American government in her behalf. This letter was sent from the prison at Woking to the English Home Secretary in London. The Home Office sent it to the Foreign Office, and this application from Mrs. Maybrick claiming the intercession of the American government in her behalf, was forwarded by the English Home Office to the American Embassy in London, where it was received and is on file, was replied to, and acted upon by the American Minister at London; who wrote Mrs. Maybrick that he had forwarded a copy of it to the American State Department, at Washington, on August 16th, 1892; and it was the basis of the later intervention on the part of the American government officials.

Again, in November, 1894, Mrs. Maybrick addressed a memorial to the American President, Mr. Cleveland, asking the intervention of the American government in her case, claiming to be an American citizen, which was acknowledged by Secretary Uhl in April, 1895, to her, stating that instructions had been sent to Mr. Bayard, the American Ambassador; and this memorial was made the basis of the action of the House of Representatives, of April 5th, 1896, and resulted in the message of President Cleveland, of April 30th, 1896, which was a recognition by the American Government and the Ameri-

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can Congress of the American citizenship of Mrs. Maybrick.

The American-born wife of a foreigner, not a citizen of the United States, residing abroad with her husband, has the right, under American law, to claim her American citizenship.

While this right would probably be denied during coverture, in England and in many European countries, it still exists under American law.

In Great Britain, under the Act of 1870, the right of restoration under the act could only be invoked after the death of the husband.

It would be safe to advise every American-born widow of a foreigner, to claim her American citizenship, as was done by Mrs. Maybrick, for its effect upon the question as it related to the law of the country where her husband had resided, because by the law of that country, she, having been regarded by the act of her marriage and residence as a subject of that country, should make such a record as was done by Mrs. Maybrick in England. The questions involved are very important. They are not confined to criminal cases, but they are broad and far-reaching, and in cases of marriages, rights of children and property, both in the United States and in all countries with whose subjects American girls intermarry.

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THE CITIZENSHIP OF MRS. FLORENCE E MAYBRICK

If by her marriage to Mr. James Maybrick her residence with her husband in England made her an English subject, under the law of England, during his life, she had the right, under English law, after his death, to claim the restoration of her Americen citizenship, by claiming it and asking the protection of her Government.

This she did by several acts, of which the English Foreign Office had notice and recognized, by forwarding her claims to the American Minister in London, and to the American Government at Washington. The message of President Cleveland to the American Congress and the Resolutions of Congress were based upon her appeal for the protection of her Government, upon the claim that she was an American citizen, claiming and entitled to the protection of her Government.

She has stoutly insisted, since her confinement,

1st. On her innocence of the offence, and

2nd. That she was an American citizen.

And her hopes for release lie wholly through that intervention.

The last statement bearing on this important question is contained in a letter sent to the Editor of this Journal, by her, through her mother, the Baroness de Roques, dated June 15, 1899, of which the following is a copy.

Dear Sir:—I write to thank you for your many kind efforts in my behalf, and attendance to our family business. I sincerely hope that you will allow me to retain your services for my business interests, as well as my mother's, as they are so closely united. I am, you know, in heart and feeling an American woman, and deeply grateful, and touched beyond the expression of words, at the practical evidence of the sympathy of the American people. Believe me

Yours sincerely,
FLORENCE E. MAYBRICK,

CLARK BELL, ESQ.,
New York, U. S. A. 15th June, 1899.

The memorial for her release, by the Committee of the Medico-Legal Society, is now under the consideration of the English Home Secretary.

It has been forwarded by the American Government, through

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the American Ambassador, Hon. Jos. H. Choate, who is pressing for her release under the instructions of our Government, and we know that thousands of her countrymen and women are praying for the success of the effort now going forward. The papers on which the release is asked it would not be proper to give, but the fact of her American citizenship, and that she has sought the interference of her Government as such, is known to all the world, and will not, we think, be questioned by the English Government, under the provisions of the English law upon the subject, which is so widely at variance with our law.

THE INVESTIGATION OF MR. GERRY'S SOCIETY.

Without forestalling the Report of Mr. Albert Stickey, in a proceeding wholly unique, and in the absence of the chief accuser, Mr. Wm. Rhinelander Stewart, President of the State Board of Charities, what has already occurred produces results little expected at the outset—

PUBLIC SUBSIDIES TO PRIVATE CHARITABLE ASSOCIATIONS. Comptroller Bird S. Coler is conducting an investigation as to the $30,000 paid Mr. Gerry's Society, and other private organizations, through a committee named by the Charity Organization Society, composed of Robert W. deForest, Charles F. Cox and Edward T. Devine, whose report appears in *Charities*, with communications from a large number of men in various American cities, which are of great public interest. We enclose some of the communications:

Charles R. Henderson, President of the National Conference of Charities and corrections, held in Cincinnati this year writes: "I am absolutely opposed to supporting, partly or wholly, private institutions from public funds, as city, state, or nation."

Prof. John R. Commons, New York City, formerly of Syracuse University, writes: "Answering your inquiry of recent date I would say that in my opinion the practice of public subsidies for private charities is not to be commended. I should say that the subsidy system is most injurious in the case of children's institutions, because it stands in the way of modern approved methods of dealing with children—and the injury is

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more serious to the community at large than in the case of institutions for adults."

Prof. John Graham Brooks, lecturer on economic and social topics, writes: "That the giving of public money to the unweeded mass of private charities is a dismal failure, is clear enough, and two-thirds of it ought clearly to be stopped at the earliest possible date."

Prof. Henry W. Farnam, of Yale University, writes: "On general principles I feel strongly opposed to the practice of supporting so-called private charities from public funds. A charity which is supported by taxation ceases, in my judgment, to that extent to be a real charity."

Ernest P. Bicknell, General Superintendent Bureau of Associated Charities, Chicago, Ill., writes: "Replying to your inquiry of the 23rd inst., concerning the apportionment of city money to private charitable institutions, would say that in my opinion the only safe rule is to give public money only to public institutions."

Fred. H. Wines, Assistant Director Twelfth Census, Washington, D. C., writes: "In reply to your letter of May 23, I think it is very well known by every one who has ever read or heard any of my public utterances on the question, that I do not believe in subsidies from the public treasury to private charities."

Other opinions against the giving of public money to private charities are by Robert Treat Paine of Boston, James B. Reynolds of this city, Miss Julia C. Lathrop of Hull House, Chicago; Miss Zilpha D. Smith, General Secretary of the Associated Charities of Boston, and Prof. Charles H. Cooley of the University of Michigan.

This Report exposes the vice of the present system in New York City:

"The Committee does not recommend a sudden or reckless change of system, but believes that the work of change must be accomplished gradually. It recommends that the city should not make appropriations to pay for investigations in Police Magistrates' courts conducted by private societies; that appropriations to foundling asylums and to children's institutions should be upon a per capita and per diem basis, and that inmates should be accepted by the Department of Charities in advance of payment by the city; that the per capita rate should certainly not exceed and should preferably be less than the cost of similar care for the same class of dependents in public institutions of the Department of Charities (Mr. Gerry's society's rate exceeds the rate of other institutions by almost 100 per cent.); and that each institution should file with the Comptroller an audited statement of receipts and expenditures." The report further says:

"In conclusion we beg to urge strongly the necessity of regarding the present exceptional and exhorbitant amount of money appropriated to private charities as a maximum, and of effecting a very considerable decrease in the amount of each ensuing year."

Whether Mr. Stewart will decide to conduct an earnest investigation of Mr. Gerry's Society, on his return, remains to be seen.

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The special legislation which has been obtained in relation to Mr. Gerry's Society, will, when it comes to public notice, occasion more criticism, especially in what rights he claims to exercise in criminal cases, in making arrests and in interfering, if he chooses, with the District Attorney, even in the conduct of criminal trials, where his society has been connected with the charge.

It would have been wiser to have summoned Mr. Stewart before the Commissioner, and to have awaited his return for that purpose. The State Board of Charities, however, can carry on the investigation under the authority of the present law, and the inquiry, as thus far conducted, will be productive of public good.

THE CASE OF DREYFUS.

The most notable recent event, on which the eyes of all the world have been concentrated, is the practical unanimity with which the court of last resort in France has directed a new trial for this officer, so long imprisoned and suffering a punishment, the severity of which is quite unparalleled. The conviction being the result of a military trial in which the honor, so called, of officers of high standing in the French army was involved, the race question, the religious feeling, and the French attachment to the honor of the army, were obstacles in the way of revision of the sentence, which have been well-nigh insurmountable. It is something beyond and beneath all, that has triumphed. It is the eternal principle of justice. The Court of Cassation has demonstrated that the honor of France was at stake, and that it was safe in the hands of its highest judicial tribunal.

The decision of the Court will command the respect of mankind. It will rehabiliate and strengthen confidence in a court which has ignored the clamor of the mob, the danger of internal revolution, the hatred of the Jew, and in the name of justice added new lustre to the ancient glory of France.

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THE PARIS INTERNATIONAL CONGRESS OF 1900.

The work on the organization of the several Congresses of 1900 is going forward. The world at large will take a part in this Exposition, which will be supported by and worthy of the French government and people. The Auxiliary Committee we have been requested to organize, in the domain of Medical Jurisprudence, we hope to announce soon.

Great care and pains will be taken in its organization, and members desiring to participate, will please send names and titles of papers they will contribute, to the Editor of this Journal, as early as possible, so that they may be noticed and announced in the Paris preliminary programmes.

THE AMERICAN MICROSCOPICAL SOCIETY.

The Annual Meeting will be held, this year, at Columbus, Ohio, in the new Biological Hall of the Ohio State University, on the 17th, 18th and 19th of August. An attractive programme is expected. The officers for this year are as follows: Dr. William C. Krauss, President, Buffalo, N. Y.; Henry B. Ward, Secretary, Lincoln, Neb.; Magnus Pflaum, Treasurer, Pittsburg, Pa.

THE NEW YORK STATE BAR ASSOCIATION.

The Annual Report of the State Bar Association for 1899 is out and is embellished with half-tone portraits of the fifteen ex-Presidents of that body.

The volume also includes the fine address of Judge Oliver Wendell Holmes, of the Supreme Judicial Court of Massachusetts, pronounced at the last annual meeting and entitled "Law in Science and Science in Law." Walter S. Logan, Esq , is the President for the current year, and the report is a credit to the Committee on Publication.

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THE AMERICAN INSTITUTE OF PHRENOLOGY,

Mrs. Charlotte Fowler Wells, President, incorporated in 1866, opens its next session on September 5th of this year. For prospectus send (free on application) to the Secretary, care of Fowler & Wells Co., 27 East 21st Street, New York.

THE INTERNATIONAL CONGRESS OF CRIMINAL ANTHROPOLOGY.

This Congress will be held at the Hague in August next.

PERSONAL.

T. B. PROCTOR, ESQ., the Secretary of the State Bar Association, is engaged in writing a History of the New York State Bar Association, which will embrace nearly a quarter of a century since its organization twenty-two years ago. There is no man in the Bar of the State better qualified for such a work than Mr. Proctor.

JUDGE HAIGHT, of the Court of Appeals, has been made the special object of assault by the testimony of Mr. M. L. Lockwood, of Pennsylvania, before the Industrial Commission in Washington.

Judge Haight has the full confidence of the Bar of the State, and he has maintained the highest character in the past. He has treated this charge with that silent contempt which it merits, until a specific charge is made and proof adduced.

Slanders upon the judiciary are becoming rife, and should not receive the approval of the profession.

GOVERNOR-GENERAL DAVIS, of Porto Rico, has established, by military order, a Supreme Court for that island, naming B. C. Pettingill as presiding Judge of that body, with two army

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officers as Associate Judges and J. M. Keedy, Attorney General.

THE following compose the newly constituted Supreme Court recently established at Havana, for Cuba: President, Antonio Gonzales Mendoza. Associate Justices: Dr. Luis Esterez Y. Romero, Senors Eudaldo Tamayo, Rafael Cruz Perez, Jose Garcia Moritz, Pedro Gonzales Llorente, Angel C. Betancourt, with Frederick Mora, Attorney General.

WE notice among the adjunct Professors of the Albany Medical College the names of G. Alder Blumer, M. D., on Insanity; Andrew MacFarlane, M. D., on Medical Jurisprudence, and Clinton Bradford Hernet, M. D., on Railway Surgery.

EX-JUDGE WM. L. LEARNED and HON. SIMON W. ROSENDALE are President and Vice-President of the Board of Trustees of the Albany Medical College.

MR. H. S. WELLCOME, of the firm of Burroughs, Wellcome & Co., of London, has received complimentary notices from the London press for the successful inauguration, at Dartford, of a Club, named after him, "The Wellcome Club," for the employees of the firm. The inauguration was a great success, about 1100 guests and employees being in attendance. Mr. Wellcome is one of the most enterprising of the resident American colony in London, and his many friends in America will be glad to see the friendly notices of his praiseworthy and philanthropic efforts for the benefit of the employees of his firm.

DR. G. E. SHUTTLEWORTH, of London, has been reappointed one of the Examiners of Defective Children, by the London School Board.

CLARK UNIVERSITY, of Worcester, Mass., has invited Prof. Angelo Morso to deliver a lecture at its approaching celebration, in honor of its foundation, on the subject of "*The Psychic Process and Movement.*"

WILLIAM AMBROSE, ESQ., Queen's Counsel, has received

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the appointment to the vacancy, in England, as a Master in Lunacy. He has been Queen's Counsel since 1874, and Attorney General of the Duchy of Lancaster from 1895.

His appointment gives satisfaction to the English press, and his long and varied experience, and eminent qualifications, qualify him for the position. He introduced a bill in Parliament, recently, to make by implication the act of proving a crime.

EARL WALDEGRAVE has been appointed an Honorary Commissioner in Lunacy, in place of Lord Hatherton, resigned.

J. MACPHERSON, M. D., has been appointed Commissioner in Lunacy for Scotland, in place of Dr. Sibbald, resigned.

R. W. BRANTHWAITE, M. D., has been appointed Inspector of Inebriate Institutions under the new English Inebriate Act.

SIR JAMES CHRICHTON BROWNE has been elected President of "The Asylum Workers Association" in England.

DR. A. R. URQUHART is the President of the Medico-Psychological Association of Great Britain. He is one of the editors of the Journal of Mental Science, and Superintendent of the Hospital for the Insane at Perth, Scotland.

DR. WM. ORANGE of London, W. H. S. MONCK, ESQ., of Dublin, and DR. HAVELOCK ELLIS of London, go on to our Editorial Staff as Associate Editors. All of these have been co-laborers in our work in the past.

NECROLOGY.

NORMAN KERR, M. D.—The death of Norman Kerr, of London, removes the foremost man in the domain of "*Inebriety*" and its relation to crime, in Great Britain if not in the world. His life has been devoted to this work, and his death leaves a vacancy in this field of labor not easily filled.

He has fought a fight in the cause of the inebriate and his

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rights and their recognition against the old ban of the English law, that, without him, could never have been won; his example, his faith and his victories, there in England, have encouraged and stimulated us, here in America, and our gain and advance has been largely due to the splendid work of Norman Kerr, which wrought a silent revolution in the judicial mind of England, and the attitude and charges of English judges to the juries in criminal cases, where homicides had been committed by inebriates.

His fame, which goes out with the century in which he lived and acted, will be one of the most luminous of all the men of genius in Great Britain, or indeed among mankind, who have carried forward the work of advancing the cause of Inebriety and Alcoholism, and in securing the rights of the inebriate and their recognition before the law.

Upon his grave it could be truthfully written, as largely due to his labors that: "Inebriety is a disease, and should be so regarded before the law, and treated as such by medical men."

Dr. Kerr's work on "Inebriety" is a classic, and is the standard authority in both professions of Law and Medicine, on both sides of the Atlantic, and he was one of the ablest medico legal jurists, upon the questions involved in the responsibility of the confirmed inebriate before the law, that the medical profession has ever produced.

He was one of the Vice-Presidents of the International Medco-Legal Congress of 1889, of 1893 and of 1895.

For many years his honored name has been on our list of Associate Editors of this Journal, whose pages have been enriched by his gifted pen. His death is a personal affliction and bereavement to the Editor of this Journal, and his warm friendship and splendid aid, for many years, in the work of Forensic Medicine in this domain, has made his death felt most keenly. His confreres in all lands will receive the announcement of his death as an irreparable loss.

He told me in London, last summer, that his health was failing and his end near, but it did not seem so near, and it is

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now a shock when the summons came to lay down the pen and sleep the eternal sleep.

W. W. GODDING, M. D.—Among the ablest of American Alienists, Dr. W. W. Godding, for many years Superintendent of the Government Hospital for the Insane, has passed to his reward since our last issue.

He has been long and intimately associated with the work of the Medico-Legal Society, and has been closely identified with the progress of the medical jurisprudence of insanity in the United States. He had a great love for his work, and held a high position among his associates of American Superintendents of American Hospitals for the Insane.

His charm of manner and his great gifts in his profession, endeared him to a wide circle of personal friends, and it will be difficult for the President to find a successor who will fill the place as successfully and creditably as has Dr. Godding.

SIR JOHN NUGENT, Inspector of Lunatic Asylums for Ireland for the last forty-two years, died in London January 26th, 1899, at the advanced age of 94 years.

He was the physician of Daniel O'Connell, and an intimate friend of the poet Tom Moore.

Dr. JOHN HAYBALL PAUL, F. R. C. P. Edin., M. R. C. P. Lond., F. R. C. S. Eng., so many years the esteemed Treasurer of the British Medico-Psychological Association, died January 29th, 1899, in his 84th year.

DR. JABEZ HOGG, of London, who died recently in London, at an advanced age, has been for many years closely identified with the work and labors of the Medico-Legal Society, of which he was a corresponding member, He was a frequent contributor to the Journal. He was universally esteemed and respected, and his death at the close of a long and useful life, will be mourned by a large circle of friends. He leaves a widow and family, and his son, Dr. — Hogg, succeeds to his practice.

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THE list of our members and co-laborers who have died since our last issue is too large to be included in this number, and will be concluded in our next.

Death has been unusually active in our ranks in the closing year of the century.

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RECENT LEGAL DECISIONS.

MAY AN UNLICENCED PHYSICIAN TESTIFY AS A MEDICAL EXPERT?—In the case of People v. Rice the defendant had been convicted of murder in the first degree.

The New York Court of Appeals, in passing upon this question, uses the following language, Chief Justice Allen B. Parker writing the opinion:

"After a careful consideration of the subject we have reached the conclusion that, if a man be in reality an expert upon any given subject belonging to the domain of medicine, his opinion may be received by the court, although he has not a license to practice medicine. But such testimony should be received with great caution, and only after the trial court has become fully satisfied that, upon the subject as to which the witness is called for the purpose of giving an opinion, he is fully competent to speak.

It has frequently been held that a duly licensed physician may give opinion evidence although he is not practicing his profession at the time when he testifies.

The question is novel. The real points decided are, that mere license to practice, or the possession of a certificate of graduation in a medical college, does not show, in itself, that a man is a medical expert.

The witness must be shown, to the satisfaction of the court, to be an expert upon the subject of the inquiry.

A man may be a graduate of a medical college and not have had any knowledge of insanity, cases of poisoning, or any of the special subjects involved in the inquiry. He should not be permitted to express an opinion as an expert, unless he is shown to be an expert, of which his certificate is not sufficient evidence.

A man may have had a large experience in toxicology, in insanity, and in many special subjects, who has no medical degree. He would be a competent expert, while the medical man with the degree of M. D. without the special experience and knowledge would not.

THE LIMIT OF FEES TO COUNSEL ASSIGNED IN CRIMINAL CASES IN NEW YORK.—Before the amendment of the Code of 1893, counsel assigned to defend a prisoner were obliged to do so without compensation. The later amendments provided that the court, when an accused is wholly

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destitute of means to defend, may assign counsel and provide for personal and incidental expenses and reasonable compensation for services, not to exceed $500 in capital cases.

Mr. Justice Gildersleeve has recently decided that this $500 must cover all services, the trial as well as on the appeal.

The Appellate Division in the Second Department has held that $500 is the limit of the allowances which can be made in such cases, no matter how many counsel are assigned.

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MEDICO-LEGAL SURGERY.

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Prof. A. P. Grinnell, M. D., Burlington, Vt.

This department is conducted as the organ of the Section of the Medical Jurisprudence of Surgery of the Medico-Legal Society. Its officers for 1899 are as follows:

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To Railway Surgeons and Railway Counsel:

We take occasion to advise you to unite with the Section of Medico-Legal Surgery, which can now be done by an annual subscription of $1.50, entitling each member to the *Medico-Legal Journal* free.

G. P. CONN, M. D.,
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ABRAM H. DAILEY,
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SAMUEL S. THORN, M. D.,
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Surgeon General of State of Wyoming,

R. S. HARNDEN, M. D.,
Ex-President New York State Association Railway Surgeons. Ex-President Erie Railway Surgeons.

HUBBARD W. MITCHEL, M. D.,
Ex-President Medico-Legal Society of New York.

Members of the Section on Medical-Legal Surgery who have not remitted their annual subscription to the Section, will please send same to Judge Wm. H. Francis, No. 39 Broadway, N. Y., and members will please not confound the Section Dues with the Annual Dues of the Society, which should be remitted to Dr. Thomas Darlington, Treasurer, Kingsbridge, New York City, or to the Secretaries Members of the Society or Section will please propose names for membership in this Section.

It is proposed that members of the Society and Section each donate one bound volume annually to the Library of the Medico-Legal Society, by action of the Executive Committee.

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MEDICO-LEGAL SURGERY.

Surgeon General Sternberg has recommended that Fort Bayard, N. M., be set aside for the treatment of army consumptives, und has taken steps to withdraw the troops there, and equip the post for hospital service.

He will assign a competent corps of surgeons for this post, but no medicinal system will be prescribed beyond that now existing, the strongest reliance being placed on the beneficial effects of the climate.

Patients suffering from consumption in the Soldiers' Home, near Washington, will be transferred there.

Secretary Alger has approved of the recommendations and contemplated action.

THE 13TH INTERNATIONAL MEDICAL CONGRESS, PARIS, 1900.

This body will meet August 2 to 9, 1900. It announces 23 sections.

Surgical science is under the third classification, and consists of seven sections.

The fifth and last classification of the Congress is entitled Public Medicine, and comprises Forensic Medicine as the 22d section, under the presidency of Prof. Brouardel, and its secretary is Dr. Motet, 161 Rue de Charonne, Paris, the General Secretary of the Medico-Legal Society of France. The details of the preliminary programme of this section appeared in our March number.

The 23d section is devoted to Medico-Legal Surgery, and especially Military Surgery. The President of this section is Dr. Dujardin-Beaumetz, and the Secretary is Dr. Chatteau, whose address is care of the Minister of War, Paris.

There is a sub-sction on Military Surgery, of which Dr. Chauvel, 51 *bis* Boulevard Latour, Mauborg, Paris, is President. Habart, of Austria, and Lagarde, of the United States, will report on the lesions produced by small bore bullets, six millimetres being the maximum size. Demosthene, of Rou-

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mania, and Geisster, of Germany, will report on the lesions of artillery projectiles. Bischer, of Switzerland, on field hospital treatment of gunshot wounds.

This section asks for contributions from medical men who have taken part in recent wars, and all members of the Society who have had military service are requested to send their names and titles of papers to the chairman of the Section on Medico-Legal Surgery, to be forwarded to the officers of this section. Gen. N. Senn, Major Geo. Goodfellow, Col. Havard, and all other surgeons who have served in Cuba, or in any of our regiments, or in the hospital service of the army or navy, are invited to contribute to this section.

If contributions are offered the Section on Medico-Legal Surgery of the Medico-Legal Society will be represented, as well on military and naval surgery as in railway surgery, for which, as yet, no department has been assigned in section 23, but it could be embraced or represented under section 22, when the organization of that section is completed.

Every railway surgeon who will contribute a paper for this department, is invited to send his name and the title of his paper to the editor of this Journal, who is chairman of the Section on Medico-Legal Surgery, or to the secretaries at Paris direct if he prefers.

Dr. Cuneo is President and Dr. Lanier is Secretary of a subsection on Naval Surgery. Their address is care of the Minister of Marine. Surgeon Fontaine will report on care of wounded aboard ship in action; Surgeon Busch on hospital ships.

As we have fitted out the finest hospital ships in the world, for our Manila expeditions, it is hoped that some of our members will make reports on these for that Congress.

INTERNATIONAL ASSOCIATION OF RAILWAY SURGEONS.

At the annual meeting of this body, recently held at Richmond, Va., we are informed that the following officers were elected: President, Surgeon A. I. Bouffleur, of Chicago; L. J. Mitchell M. D., of Chicago; E. R. Lewis, M. D., of Kansas City; and that St. Paul was suggested as the next place of meeting.

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We have seen no program or notice of this meeting in any Journal, and none in the "*Railway Surgeon*," the organ of the Society.

A NEW PRACTICAL PLAN OF FRATERNAL INSURANCE. KNIGHTS OF THE RED CROSS.

In fraternal insurance a plan has been devised by which the cost can be permently kept at a low rate.

This plan is the one now operated by the "Knights of the Red Cross."

This Order provides for every contingency of life. It takes care of you in sickness, in accident and in misfortune, and at your death it takes care of your family.

This order was chartered under the laws of the state of New York, January 27th, 1898. The following list of officers is a guarantee that every pledge made will be faithfully carried out: Hon. Alonzo Cornell, Supreme Commander; Major Wm. H. Romer, Supreme Vice-Commander; Chas. M. Erwin, Supreme Recorder; Hon. James Gilfillan, Supreme Treasurer; Elmer A. Miller, M. D., Supreme Medical Examiner.

At the annual meeting, held January 10th, Major Wm. H. Romer was selected for the position of Supreme Vice-Commander and Supreme Master of the Work, and under his energetic management the Order is making rapid progress.

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JOURNALS AND BOOKS.

LEGAL DECISIONS AFFECTING PHYSICIANS, DENTISTS, DRUGGISTS AND PUBLIC HEALTH. By W. A. Purrington, Esq. E. B. Treat & Co., New York. 1899.

Mr. W. A. Purrington has devoted much of his time to a study of the law, as related to the practice of physicians, dentists and pharmacists, and is especially qualified to write the work he has presented.

His small work is a brief review of the law on these subjects, with a reference to the decisions of the courts, and their place in the reports.

The work is valuable to both professions as a reference of cases decided.

He has added a chapter in the nature of a Brief for the prosecution of unlicensed practitioners of medicine, dentistry or pharmacy.

It collates the decisions on each branch of the law, in this class of cases, and gives a reference to where they can be found, and to what they relate.

There is also a supplement to the work, which contains the writer's views on "Christian Science and the Law, and Manslaughter," which contains references to the leading cases and decisions of the courts relating to these cases.

"THE NEWER REMEDIES." By Virgil Coblentz, A. M., Pharm., Phila. P. Blakiston's Son & Co., Philadelphia, 1899.

The publisher of this work has brought out a third edition, which stands high among pharmacists, bringing out the later and newer remedies which are now attracting the attention of physicians.

Prof. Coblentz stands deservedly high as an authority, and we know of no more reliable source of information to the profession than this work. It costs $1.00 only.

THE NECESSITY FOR CRIMINAL APPEAL, AS ILLUSTRATED IN THE MAYBRICK CASE. Edited by J. H. Levy, Esq. P. S. King & Son., London. 1899.

This work was announced several years ago by the present publishers, and has been anxiously expected. Its publication was understood, several years since, to have been provided for by the English Personal Rights Association, who have taken a deep interest in the release of Mrs. Maybrick.

Its chief interest and importance was due to the fact, as announced, that it would furnish a complete copy of the evidence in the case and the charge of the trial Judge, of which no copies had been published, and which could only be found in the journals of the era of the trial, some of which contained very full and accurate reports.

Lumly & Lumley, Solicitors of London, had eminent counsel prepare a careful copy of this evidence, given before the Magistrate at the Coroner's inquest and on the trial, for use of counsel, on which to base an opinion, but this was private and never published, and practically inaccessible. The present work contains the evidence on the trial, and the charge, but for a wonder does not contain the evidence before the Magistrate or at the Coroner's inquest. The work of Mr. Alex. W. McDougall, a Barrister of London, (out of print) contains the most reliable account of the whole proceeding, heretofore attainable, and was, while not a consecutive statement of the evidence, on the whole generally accepted as quite accurate.

The Editor gives the credit of the chapters of the book, outside the evidence and charge, to eminent legal gentlemen whose names he does not give, who, he says, prefer that their names be not mentioned, but the work shows great care and research, and the evidence subsequent to

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the trial is given from the record so far as the same has been furnished by the Home Office to the general public.

The work is divided into two volumes, the second of which is devoted to "*The Reparation of Judicial Errors*."

In this contributions from foreign writers are collated, as to methods of review in criminal cases.

Max J. Kohler, Esq., late Assistant District Attorney of New York City, writes an interesting resume of the methods of criminal appeals in America.

Recorder C. H. Hopwood, of Liverpool, writes an able argument for criminal appeal in England.

Monsieur Y. Guyot writes as to the French system; R. F. Kraft of the German method of procedure.

Signor Antigono Danati, for Italy; Franz F. Melhuus, for Norway; J. R. Greenfield de Mello, for Portugal, and Henry Decugis, for Switzerland.

Had this work been brought out a year or two earlier, it would have been a great benefit and aid to the efforts made in the case of Mrs. Maybrick. If it had come out even six months earlier, it would have been very acceptable to the members of the Memorial Committee of the Medico-Legal Society, to enable members residing in different localities to read the evidence on the trial and the charge to the jury, before they could act intelligently on the whole case.

It, however, appears when it will no doubt be useful, in aid of the Memorial and efforts now being pressed upon the attention of the English Home Office, by the American Ambassador, Mr. Choate, with the approval of the American Government, on the papers forwarded by the Committee of the Medico-Legal Society.

This work has a carefully written review from an able pen, in the current number of *The Reformer*, from which we make some selections with a regret that our space forbids its production entire. The writer says:

"For various reasons—unnecessary to detail—we did not, in 1889, follow the proceedings against Mrs. Maybrick with sufficient care or sufficient interest to enable us to form any definite opinion on the case. She was charged with the wilful murder of her husband, she was found guilty, and we assumed therefore that she was guilty. We admit that we were not justified in such an assumption, for we have the poorest possible opinion of the competence of the ordinary irresponsible English jury. It is true also that we heard that the present Lord Chief Justice had expressed his entire belief in Mrs. Maybrick's innocence; but in our view, that opinion was largely discounted by the fact that Sir Charles Russell had been Mrs. Maybrick's counsel. One point, however, has always weighed strongly with us in support of those who have so unwearliedly pleaded for a reconsideration of her case, and that is the fact that the judge who tried it was, at the time of the trial, undoubtedly in a failing state of mental health.

"From this it will be gathered that we came to the study of the case—as now presented in the book before us (which gives the whole of the evidence both at and before the trial, with the subsequent affidavits to the three successive Home Secretaries)—with a fairly open mind. If, on the one hand, we admit an initial prejudice against Mrs. Maybrick, on the other hand we were quite ready to see that there was a strong possibility of injustice arising out of the judge's impaired mental condition. We imply no disparagement whatever of Mr. Justice Stephen, whom we have long held in the highest admiration. We know him to have been remarkably able, although a hard, man, and we believe him to have been an essentially just judge who would not swerve a hair's breadth from the path of strict justice. In this case his summing up was confused to the last degree; in order to understand him we had several times to turn back and read again the evidence to which he was referring (a feat impossible to the jury); his dates were inaccurate, his notes inaccurate, his repetitions bewildering. He moreover used against the prisoner documents that had not been proved in evidence." We quote further:

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"It will be remembered that Mrs. Maybrick was charged with the wilful murder of her husband by means of poison administered by her. On the evidence alone—even without the additional evidence in her favor supplied by subsequent affidavits—we fail to find it proved either (1) that Mr. Maybrick died of arsenical poisoning or (2) that Mrs. Maybrick administered arsenic with intent to poison. As the Home Office has also agreed that there is reasonable doubt on the first point, and on that ground commuted the capital sentence, we may assume that there is good ground for that doubt, although the jury in their anxiety to get rid of the case did not allow it to weigh with them. I use this expression in reference to the jury deliberately, for the case was admittedly a complex one (Sir Matthew White Ridley spoke of it as known to be 'a very difficult case'), and yet the jury took only thirty-five minutes to consider the evidence given for and against the prisoner, the *ex parte* statement made on either side, the conflicting testimony of the expert witnesses, the remarkable statement made under most difficult circumstances by the prisoner, the summing-up of the judge—matter which had occupied their time, if not their attention, for seven days." We quote further:

"The evidence showed Mr. Maybrick to have been a man accustomed to dosing himself with poisonous drugs, not only with arsenic but also with strychnine and nux vomica. No evidence was given as to any search being made for any traces of these—the whole efforts of the prosecution seem to have been directed to proving the theory of arsenical poisoning, since arsenic had been found in the food and elsewhere. We ourselves know a person who is obliged to take arsenic daily, for months at a time, in order to keep in check a hereditary skin complaint; without this preventative the disease is sure to reappear sooner or later and the arsenic treatment has to be resumed. If he were to die—say by a railway accident—after a long period of arsenic treatment, it is probable that a great deal more than half a grain might be found in the different organs of his body and yet bear not the remotest relation to his death. And similarly it is contended in the Maybrick case, that although arsenic was found in the body it was not the cause of death."

We regret that this reviewer did not give his name, as he has given the case a fair and quite impartial review, with strong prejudices against the accused at the outset, as he concedes.

THE LEGAL ADVERTISER, DENVER, COLORADO. J. Warner Mills, Esq., Editor. The June number of this journal contains a strong editorial in favor of the release of Mrs. Maybrick, and seconds the efforts made by the Medico-Legal Society of New York and the resolutions under which its Memorial Committee is at work.

It contains the address also of Hon. Benjamin A. Richardson before the Maryland Bar Association, entitled "The New Feudalism."

The journal is ably edited. It is a monthly, and its price is $5 per annum.

THE FLIGHT OF ICARUS. By Jay Robin. F. Tennyson Neely, New York, Publisher. 1899.

Mr. Robin has certainly not made a dead failure in his first book, for it has enough of human interest to make even a busy man read it through when he takes it in hand. You cannot say this of many of the first productions of even the literary successes of the world.

Mr. Robin need not write a novel to show that a successful novel should be logical as to its representation of human action.

We would have to search long to find an established work of fiction that could be called logical. The highest style of fiction, as it seems to me, are works like the Arabian Nights entertainments, Dumas' Monte Christo, and Cervantes' wondrous tales of the Knight of the Sorrowful Countenance.

Robin's work is rather a study of the Psychology of Love, as a passion, than anything else. It is not a work of fiction.

When we study the actual facts of vice, and its contact with human emotions and passions, and grope after the truth, as it really is, no mat-

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ter how much it is stained by sin, or colored by its peculiar environment, our research posesses human interest.

It is problematical, if not doubtfully rare, if the *Reveres* of this life can wade through so much mud, as did the hero, with so little slime left sticking to his garments.

Reveres' punishment of Perry is one of the best chapters of the book. The journalistic portraits are doubtless studies from the author's note book, and some of them splendidly done. But the sea of life, like the shores of the Rhine, are full of such shipwrecks, and it has its Lurlei, its Syrens, and its catastrophes.

SMITHSONIAN INSTITUTION. Annual Report, made April 24th, 1898. By S. P. Langly, Secretary.

The volume is one of great interest, and the general appearance and illustrations are unusually excellent.

BIBLIOGRAPHY OF PROGRESSIVE LITERATURE. The New Epoch Publishing Company, New York. 1899.

All Editors and Librarians will find this small work a most useful aid, and it will be of great value to librarians. It costs only 25 cents.

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BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

J. F. SUTHERLAND, M. D., F. R. S. E., F. S. S. Copy letters used on application for position on Commission in Lunacy for Scotland. 1899.

THE NEW EPOCH PUBLISHING CO. Bibliography of Progressive Literature. 1899.

ALBERT VANDERVEER, M. D., DEAN OF FACULTY. Albany Medical College Catalogue for 1898–99.

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MAGAZINES.

THE NORTH AMERICAN REVIEW. This great journal commences its 169th Vol. with the July number 1899. It has undergone a change under the enterprising management of Geo. M. Harvey, its editor. He surprised the literary world with his May number, and he has continued his surprises in June and July. Mr. Harvey changes his color from green to a brick red. But the changes in the authors and selections are still more remarkable. Mr. Comptroller Bird S. Coler's article on the faults in the New Charter, and the uselessness of the Municipal Assembly is a sample of the work of this enterprising journal under the new management.

THE YALE LAW JOURNAL. The June number contains Judge Simeon E. Baldwin's paper on "Corporal Punishments for Crime," under the title of "Whipping and Castration for Crime." Substantially the same as read before the Medico-Legal Society and published in our columns. A paper by Prof. Theo. S. Woolsy on "International Law."

Nathan Ayer Smith, Esq., has been elected Chairman, and Walter Dunham Makepeace, Business Manager of the Yale Law Journal.

THE AMERICAN LAYWER. A monthly journal published in the City of New York, at $1.00 a year.

We are glad to notice that H. Gerald Chapin, Esq., has been made editor of this journal.

The June number is before us, and we believe that if it falls into the hands of the profession it will be generally subscribed for. Mr. Chapin is a young lawyer of ability, energy and push, and this journal is fortunate in securing his services in the editorial chair.

THE ANTI IMPERIALIST is annnonnced as to be published weekly and the June 3 number, 1899, is announced as No. 2 of Vol. I. It is a strong objection often made by those who favor Imperialism in the Government of mankind, that the form of Government adopted in America, is vicious and not lasting and cannot be enduring; because it does not clothe its representatives with the ordinary power of self defence when assaulted from within. Perhaps nothing that has recently occured will more forcibly illustrate what some deem the weakness of our Government than its inability to suppress such a journal as the Anti Imperialist.

It is given, to the lovers of Human Liberty and human rights, to endure this sort of a cancer on the body politic, rather than to operate upon it at once, by radical surgery. I am however one of those, who have great faith, not only in the stability of our Government, but in the good sense and rectitude of the public mind and conscience, as well as its ability to meet, surmont and survive such an eruption as has attacked Mr. Edward N. Atkinson and his confreres. We must not lose faith in the public conscience, nor the public honor and capacity, for endurance, when such assaults are made on our system, as that of the crusade of which the Anti-Imperialist is the organ.

The public press of the country, constitutes a fair reflex of the will of the people, and it does not need for the safety of the nation, to put Mr. Atkinson behind bars for his utterances.

He does not threaten our institutions. He may help delay the success of our arms temporarily; he may be the means of causing the death of many of our brave men in the army of the Pacific Ocean, by encouraging Aguinaldo to persevere in his efforts to prevent the consumation of our hopes, in the advancement of freedom in the Phillipine Islands; but he can not put back the shadow on the Dial of Human Progress nor retard permanently the grand movement which under Providence has been

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entrusted to the hands of our Government and people; which is to bestow that freedom we enjoy, to the far distant islands of the sea.

THE LONDON LANCET. This superb journal was founded in 1823 and has been published more than threescore years.

It has for a long time stood at the head of Medical Journalism in Great Britain. It is published weekly and its Foreign Edition is printed on thin paper.

Its value to a medical practitioner, who desires to keep advised of the advance and progress of the medical science throughout the world is something enormous.

The medical men and medico-legal jurists in America are largely readers of the London Lancet. It does not include medical jurisprudence or forensic medicine in its printed list of subjects treated, but we suggest that it adds this branch to the subjects it announces, because no journal, purely medical, gives so much space and attention to medico-legal subjects as does the London Lancet

I esteem it as one of the most valuable journals in the exchanges of the Medico-Legal Journal, and pay this tribute to its excellence and value to every student of forensic medicine of both the professions of law and medicine.

THE PENNY MAGAZINE. George Francis Train enters the field of journalism. His offer is a monthly magazine for 12 cents a year or a penny a number, Mr. Train has been called ambitious by his detractors.

He furnishes them with evidence that he like Cæsar sought for other worlds to conquer, and he waits till time has made his locks like silver, before he seizes a lance, and rushes mounted and armed into the great tournament of journalism.

If his venture was common and ordinary he would have none of it. It is the super-ordinary—the unattainable that excites the energy of that George Francis who has all his life fought the press with the same energy that he has utilized it.

He is under the impression that

"Yesterday is a memory!
To-morrow an imagination!
To-day exists!
Hence now is eternity and we live forever!"

Why this Diogones of the evening of the nineteenth century crawls out of his tub and breaks that silence, in which he has sat meditating for the past decade we do not know, and cannot clearly see. Perhaps the Penny Magazine has a greater destiny than is announced in its opening utterances. It may be the harbinger of the visions, this Psychic has beheld, while he silently communed with nature, during the long silence of the past.

Electricity, force and motion lie dormant among the forces that move the universe. Mr. Train has been serenely watching and studying them. We shall wait for the pages of the penny magazine to give us the fruition of his studies.

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THE MEDICO-LEGAL JOURNAL.

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1899.

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The following are the EXCHANGE JOURNALS.

Archives Italian,
Archivio Giuridico,
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American Journal of Insanity,
American Law Register,
Archives of Pediatrics,
Archives de la Psychiatrie Clinique et Legale et de Neurologie,
Academie de Medicine de Paris,
American Journal of Psychology,
American Chemical Journal,
American Law Review,
Atlanta Medical and Surgical,
Annales Medico-Psychologique,
Archivio di Psi Sci pen et antro crim.,
Archievs de Neurologie,
Annales Societe Medico-Legal, ed Belge,
Albany Law Journal,
American Microscopical Journal,
Amer. Med. Review.
Annals Univ. Med. Science,
Aerzliche Sachverstandinge..-Zeitung,
American Medical Journalist,
Amer. Monthly Retrospect,
Amer. Journal of Med. Science,
Applied Microscopy,
American Economist.
American Lawyer,

Buffalo Medical Journal,
Boston Medical and Surgical Journal,
Bulletin Societie de Medicine Mentale Belgique,

Case and Comment,
Canadian Practitioner,
Central Law Journal,
Col. and Clin. Record,
Connecticut State Board of Health,
Courier of Medicine,
Centralblatt fur Nerv.,
Canadian Law Times,
Charlotte Med. Journal,
Cape Law Journal,
Chicago Law Journal,
Chicago Legal News,
Columbus Med. Journal,
Canadian Journal Med. Surgery,
Cleveland Journal of Medicine,
Chicago Clinic,
Charities,

Der Irrenfreund,
Der Gerichtssaal,
Del Kongelige Sundhedskollegiums,
Davenport Acad. of Nat.
Detroit Legal News,
Dietetic and Hygiene Gazette,
Dunglisan Col. & Clin. Record.

English Lunacy Commis.,

Fordhand Svensta Lakare Sallskapts,
Fort Wayne Med. Jour.,
Fishing Gazette,

Guy's Hospital Reports,
Gazette del Tribunal,
Giornale di Neuropatologia,
Gerichtl Zeitung, Vienna,
Gazette des Hopitaux,

Hygiea,
Harvard Law Review,
Holstein Friestin Register,
Hot Springs Med. Journal,

Illinois State Board of Health,
International Journal of Surgery,
Index Medicus,
Iowa Law Bulletin,
Il Pisania Gazetta Secula,

Johns Hopkins University,
Journal of Inebriety,
Journal of Medical Sci.,
Journal of Nervous and Mental Diseases,
Journal de Medicine,
Jahrbucher fur Psychiatrie,
Journal of Electro Therapeutics,

Kansas City Med. Index,
La. Pst. la Neurol e Sci.,
Lippincott's Magazine,
L'Anthropologie,
London Lancet,
Littell's Living Age,
Law Quarterly Review,
Le Progress Medicale,
Louisville Medical News,
Lunacy and Charity,
Literary Digest,
Legal Intelligencer,
Lancet Pub. Co.,
Law Students Journal.
Literature,

Mass. State Board of Health,
Medico-Legal Society of Massachusetts,
Medical Review of Reviews,
Medical Annales,
Medical News,
Messenger of Neurology and Forensic Psycopathology, St. Petersburg,
Medicine,
Menorah Monthly,
Madras Law Journal,
Mich. Law Journal,
Medical Fortnightly,
Medical Mirror,
Metaphysical Magazine,
Modattscarfft fur Unfallheilkunde,
Medical Herald,
Mind,
Medical Sentinel,
Med. and Surg. Bulletin,
Medical Bulletin,

North American Reivew,
New Orleans Med. and Surg.
New York Med. Record,
Nordisk Medicinskt Arkiv
N. Amer. Journal of Diagnosis and Practice,
North American Med. Review,
N. C. Med. Journal,
Occidental Med. Times,
Our Animal Friends,

Philadelphia Times and Register,
Pacific Medical Journal,
Pacific Record of Medicine and Surgery,
Personal Rights,
Phrenological Journal,
Psychological Review,

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Penn Yan Democrat,
Pa. State Com. of Lunacy,
Public Opinion,
Pst and Nerve Path. Kharkoff, Russia,
Public Health Journal,
Printer's Ink.

Revue De Medicine,
Revue Medicale,
Repertorie de Pharmacie,
Review of Reviews,
Railway Surgeon,
Railway Age,
Revue de la Hypnotisme,
Revista Ciencas Medicas,
Revista Penale,
Revista Medico-Legal,
Revista de Neuralogie Psychiatre,
Revista de Antropologie Criminella of Sciencias Medico-Legales,
Revista de Neurol, and Phy. (Lisbon),
Revista de Neurologie

Scotch Board of Lunacy,
Sanitarian,
Sanitary Record,
Smithsonian Institute,
Societe Medicine Legale de France,
Society D'Anthropologie, Brussels,
Society for Psychical Research,
Society for Promoting the Welfare of the Insane,
Scienza Italiana,
St. Louis Courier of Med.,
Sei-I Kwai Med. Journal,
Spirit of the Times,
Suggestive Therapeutics.
Suggester and Thinker.

The Hahnemanian,
Tennessee State Board of Health,
The Journal of Miss. State Med. Ass.
The Cape Law Journal,
The American Journal of Psychology,
The Green Bag,
The Open Court,
The Freeman,
The Arena,
The Monist
The Cosmopolital Osteopath,
Texas Sanitarian,
Texas Medical Journal,
Interstate Med. Journal,
Turf, Field and Farm,
The Legal Adviser,
The Philistine,
The Sheep Breeder,
The Therapist,
The Physician and Surgeon,
The Family Physician.
The Lawyer and Magistrate,
The Public,
The Texas Clinic,
The Flaming Sword,
The Coming Age,

Union Industrial Droit Penale,
Universal Med. Sciences,

Virginia Law Register,
Virginia Medical Semi-Monthly,

Woman's Med. Journal,
Western Reser. Law Journal,
Weekly Law Journal,
West Virginia Bar,

X-Ray Journal.

Yale Law Journal,

Zeitschrift fur Schweizer Strafecht,
Zeitschrift fur Psychiatre

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EX-CHIEF JUSTICES SUPREME COURT OF RHODE ISLAND.

SAMUEL EDDY, LL. D.
1827–1835.

DANIEL LYMAN.
1812–1816.

JAMES FENNER.
1818–1819.

JAMES BURRILL, JR.
1816–1817,

RICHARD W. GREENE.
1848–1854.

From advance sheets Supreme Court of the States and Provinces of North America.

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HISTORY OF THE SUPREME COURT OF OHIO.

BY HON. CONWAY W. NOBLE, OF CLEVELAND, OHIO.

The Ordinances of 1787, providing for the government of the territory of the United States, northwest of the River Ohio, made provision that there should be appointed by Congress three judges, any two of whom should form a Court of common law jurisdiction; should reside in the district; have each a free-hold estate of five hundred acres of land while in the exercise of his office, and their commissions were to continue in force during good behaviour. The Governor and the judges, or a majority of them, were also to adopt and publish laws, criminal and civil, and report them to Congress from time to time until the organization of the General Assembly, after which time, it was authorized to alter and amend laws as it saw fit.

Five States were subsequently erected from the territory, Ohio, Indiana, Michigan, Illinois, and Wisconsin.

The original political machinery for Ohio was formed in 1788, and the first judges were Samuel H. Parsons, James N. Varnum, and John Armstrong; and between 1788 and the time that judges were elected under the constitution of 1802, the following also served: John C. Symmes, William Barton, George Turner, Rufus Putnam, Joseph Gillman, and Return Jonathan Meigs, Jr.

During the first years of the territorial era, the Governor and judges acted also in a legislative capacity, framing the laws they executed.

In 1802 the State Government was organized, the Constitution adopted, and the State was divided into ten

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counties, and embraced considerable more than the present limits of Ohio. Knox county alone embraced most of the State of Indiana. The Constitution then ratified contained the organic law of the State for forty-seven years.

In 1803 the State was admitted into the Union.

The constitution of 1802 provided for a Supreme Court of three judges, with the privilege of adding two more after five years, to be appointed by the legislature, at a salary of $1,000 a year; with original and appellate jurisdiction, and with the right to divide the State into two circuits, within which any two judges might hold court.

It was also provided that a session of the court should be held once a year in each county; and the term of service was for five years.

The first judges selected after the adoption of the constitution were: Return Jonathan Meigs, Jr., Samuel Huntington, and William Sprigg.

An additional judge was provided for in 1807.

From 1802 until February 9, 1852, when judges were elected under the constitution of 1851, the following list of distinguished names composed the court at different times:

Return Jonathan Meigs, Jr., Samuel Huntington, William Sprigg, George Tod, Daniel Symmes, Thomas Scott, Thomas Morris, William W. Irwin, Ethan Allen Brown, Calvin Pease, Jacob Burnett, John McLean, Jessup N. Couch, Charles R. Sherman, Peter Hitchcock, Elijah Hayward, John M. Goodenow, Reuben Wood, John C. Wright, Joshua Collett, Ebenezer Lane, Henry Brush, Frederick Grimke, Matthew Birchard, Nathaniel C. Read, Edward Avery, Rufus P. Spalding, William B. Caldwell and Rufus P. Ranney.

It seems like invidious distinction to single out any of

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the above names as entitled to particular notice. All made their mark as distinguished jurists and public men.

Perhaps the most famous among the early judges was Return Jonathan Meigs, who was Governor twice and Senator once, as well as Judge of the Supreme Court. He probably did more than any other single man to make history in the early days of the State.

In 1807 he was elected Governor, but his election was contested on the ground that he had not resided in the State for four years next preceding, and he was declared inelligible.

During that time he had been a United States Judge in Louisiana, had been appointed as territorial judge in Michigan, and had taken a prominent part in the Burr-Blanhasserat Conspiracy.

On December 10, 1808, he was elected United States Senator. On December 3, 1810, he was elected Govenor. On December 7, 1812, he was re-elected Governor, and delivered a most sensational and startling inaugural, notifying the legislature of the declaration of war against Great Britain.

In 1814 he resigned to accept the cabinet position of Postmaster General. The county Meigs was named after him and organized in 1819.

John C. Symmes, previous to his removal West had been a Supreme Judge in New Jersey, and a member of congress.

Rufus Putnam was Surveyor General of the United States under Gen. Washington. In 1792 he was made a Brigadier General of the regular army, and he was a member of the constitutional convention of 1802.

Jacob Burnett was United States Senator and Professor of Law in the University of Lexington. He defend-

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ed Blanhasserat who was tried as an accessory of Burr in his treasonable conspiracy.

Samuel Huntington in addition to holding the position as judge was governor at one time.

Judge McLean became associate justice of the United States Supreme Court after being tendered the position of Postmaster General and Secretary of War under Jackson.

Peter Hitchcock was well known along the western reserve and was a leader in his day. It was attempted twice to impeach him but without success. Each time the charges were reported groundless.

Rufus P. Spaulding was another remarkable man. He was born in Massachusetts in 1798, and graduated at Yale. He studied law with Chief Justice Swift, of Connecticut, and commenced practicing at Little Rock, Arkansas. After a year and a half he removed to Warren, Ohio, where he remained sixteen years, and then removed to Ravenna. He was elected to congress from there and was speaker of the House. In 1848–9 he was elected judge of the Supreme Court. When four years of his time remained yet to be served, the new constitution went into effect, and he refused to be a candidate in a popular canvass. He then removed to Cleveland and actively engaged in practice.

In October, 1862, he was again elected to congress, and at once attained distinction and rank. He was re-elected in 1864 and in 1866. He declined re-nomination, announcing his determination to retire from public life. He had a long, honored career, and his name has a conspicuous place in the annals of the State and country.

Rufus P. Ranney is another distinguished name. He was a native of Massachusetts, and was born in 1813. In 1824 his family removed to portage county, Ohio. He studied law with the Hon. Joshua R. Giddings and Benjamin F. Wade, and was admitted to the bar in 1836. Judge

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Giddings being elected to congress, Mr. Wade took young Ranney into partnership. In 1850 he was elected to the constitutional convention, serving with distinction. In 1851 he was elected to the Supreme Bench to succeed Judge Avery, and under the new constitution was elected by the people. He served until 1856 when he resigned and entered the practice again at Cleveland as a member of the firm of Ranney, Backus & Noble. In 1859 he was nominated by the Democrats for Governor, but was defeated. Three years after, while absent from the State, he was nominated against his partner, F. T. Backus, for the Supreme Bench, and elected. He served only two years and again resumed practice at Cleveland. The demands upon him were more than he could possibly comply with. The announcement that he was to make an argument always filled the court room with lawyers, eager to learn the art of forensic reasoning of which he was master. He had a wonderful memory, every fact, every rule, every principle, when once acquired, remained with him always. His hands were always full of weighty and responsible trusts embracing important interests and large amounts of property.

While on the bench, he was one of the strongest administrative forces of the state government. He held a place of his own, and was a personal force profoundly felt in the administration of justice. He made a deep and permanent impression upon the jurisprudence of the State. He took large views of every question and was at his best when under the stimulus of working to solve a great and difficult constitutional and legal problem. His ideas of the ethics of the profession were exalted, and he never tolerated any lose notions about them. No one could say a plain thing in a plainer way, nor deal with abstruse questions in a clearer manner. He was as wise in what he left unsaid as in what he said. His friends and admirers always felt

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that it was unfortunate that his great powers were not called into use upon the broadest theatres, and regretted that the mutations of politics had not been such as to place him upon the bench of the Supreme Court of the United States.

George Tod, one of the earliest judges, is remarkable from the fact that articles of impeachment were reported against him on the charges of high misdemeanor and willfull, corrupt, and wicked disregard of the Constitution, in declaring null and void an act of the legislature extending jurisdiction of Justices of the Peace. He was tried upon judicial records, and the construction of the powers of the Courts to pass upon the validity of the acts of the legislature. The senate voted fifteen to nine in favor of his guilt, but this was less than two-thirds of the senate, and he escaped conviction.

Reuben Wood was governor at one time also, and his fame as a jurist and statesman was well deserved. He was a candidate for the presidency of the democratic convention of 1852, but was defeated by Franklin Ruse. He was United States counsel at Valparaiso also.

Ethan Allen Brown resigned as judge to become governor, and resigned this office to become senator. He was Minister to Brazil under President Jackson, and Commissioner of the general land office under him.

At the sessions of the Legislature 1821–2 the salary of the judges was made $1200.

By the act organizing the Courts in 1803 it was provided that one of the Supreme Judges should be commissioned by the Governor as Chief Justice of the Court, and that the other judges and all after judges of the court should have precedence according to date of their commission; and the chief justice is now selected each year under that rule.

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The jurisdiction of the Supreme Court was from time to time defined by law; certain original jurisdiction was given to it, and a very large appellate jurisdiction from the inferior courts. Although it was a court of last resort, no provision for reporting its decisions was made until 1823. At that time an act was passed, making it the duty of all the judges, then four in number, to meet annually in Columbus, immediately after the close of their circuits, in order to consult upon and decide all questions of law which had been decided in the counties where they had held court, and the judges were required to appoint a reporter to report all such decisions, and such others as they should direct to be reported, and to publish the same.

The decisions are contained in the twenty volumes of Ohio Reports, beginning with the session of 1823, and ending with the session of 1851, and are called the Decisions of the Supreme Court in Banc. Very few of the circuit decisions of the Supreme Court have been reported; some are found in the first volume of Ohio Reports, and some may be found in the Western Law Journal. The only volume of circuit decisions is Wright's Reports of cases decided in the years 1831 to 1832 inclusive, while he was on the bench.

The constitution of 1851 provides that the Supreme Court shall have original jurisdiction in quo warranto, mandamus, habeas corpus, procedendo, and such appellate jurisdiction as may be provided by law; that it shall hold at least one term in each year at the seat of government, and such other terms there or elsewhere as may be provided by law, and that the judges shall be elected by the people.

An election under the new constitution was held in October, 1851, and the following were elected judges of the Supreme Court: William B. Caldwell, Thomas W. Bart-

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ley, John A. Corwin, Allen G. Thurman and Rufus P. Ranney.

It takes a long list to include all the names of those who have served under the constitution of 1851. We have, in addition to the names above given: Robert B. Warden, William Kennon, Joseph R. Swan, Jacob Brinkerhoff, Charles C. Converse, Ozias Bowen, Josiah Scott, Milton Sutliff, William V. Peck, William Y. Gholson, Horace Wilder, Hocking H. Hunter, William White, Luther Day, John Welch, George W. McIlvaine, William H. West, Walter F. Stone, George Rex, William J. Gilmore, W. W. Boynton, John W. Okey, W. W. Johnson, Nicholas Longworth, William H. Upson, John H. Doyle, Selwyn M. Owens, Martin D. Follett, Gibson Atherton, Marshall J. Williams, William T. Spear, Thaddeus J. Minshall, Franklin J. Dickman, Joseph P. Bradbury, Jacob F. Burket and John A. Shauck.

It is still harder to select, among this list, names of those who should have special mention, but at the risk of making invidious distinctions, the following, perhaps, should be mentioned:

Joseph R. Swan deserves special mention. He was a native of Oneida county, New York, born in 1802. In 1824 he came to Columbus, and soon after was admitted to the bar, where he at once took a prominent place. In 1830 he was made Prosecuting Attorney; in 1834 he was elected Judge of the Common Pleas Court, and was re-elected in 1841; in 1845 he resigned this office to practice law; in 1854 he was elected Judge of the Supreme Court. He was a wise, patient, firm and dignified man in the discharge of his duty, and in 1859 rendered a very famous decision in the case of Exparte Bushnell, 9 Ohio St. 78. It was sought under a writ of habeas corpus to override the judgment of the United States District Court, in the northern district

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of Ohio, and to discharge from custody a prisoner who had been convicted and sentenced by that court under the Fugitive Slave Law. It was an imminent crisis, and it was feared if the prisoner was discharged by the decision of the Supreme Court, there must be a collision between the state and federal authorities. He held that the State could not interfere with the action of the United States courts within their well-established constitutional limits, and the writ was refused. This was so unpopular with the masses that he failed of a renomination at the next party convention. He left the bench in 1860 and never resumed his practice, nor accepted judicial position. He published several text books, which are still guides and of great value.

Jacob Brinkerhoff is another one who should receive mention. He was born in 1810 in Cayuga county N. Y. In 1836 he removed to Ohio, and May 23, 1837, was admitted to the bar in Warren county, and formed a partnership with Thomas W. Bartley, afterwards Supreme Judge; in 1839 he was Prosecuting Attorney; in 1843 he was a member of Congress, and drew up the famous resolution known as the "Wilmot Proviso," the original draft of which, in his own hand writing, is still in possession of his family; was in Congress two terms, then was elected to the Supreme Bench and took his seat in 1856, remaining there fifteen years.

He died in 1880. He was a man of broad culture, comprehensive views, and of quick perception. He had a strong sense of justice, and was ever zealous in the discharge of his duties.

Josiah Scott is another one who made an impression upon the bench as a profound thinker and an able jurist, and his public judicial opinions found in the Ohio State Reports from volume 5 to 21 inclusive, are all able exposi-

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tions of the law. He was a member of the Supreme Bench, as well as of the Supreme Court Commission to which he was appointed by Governor Hayes in 1876.

Allen G. Thurman's reputation was national. His great conservatism and strong love and reverence for the Constitution endeared him to all true patriots.

He was a native of Virginia; was born at Lynchburg November 13, 1814. In 1819 his father removed to Ohio and settled in Chilicothe. He was a self-educated man, but entered life's duties well equipped. He commenced to study law while private secretary of Governor Lucas, and was admitted to the bar in 1835. His studies were completed under William Allen then United States senator and Noah H. Swaine, afterwards justice of the Supreme Court of the United States. He rapidly rose in his profession, and in 1844 was elected to Congress. In 1851 he was elected to the Supreme Bench when only thirty-eight years of age. His judicial opinions are remarkable for their clear, cogent reasoning, and accurate statement of the law. He was universally recognized as one of the ablest and most learned judges, in every respect, Ohio has ever had.

At the expiration of his term of office, he declined a renomination and resumed practice in Columbus. In 1867 he was elected to the United States Senate, and soon acquired a national reputation, taking the position of leader of his party. His senatorial career lasted twelve years, and was distinquished for eminent ability, courage and statesmanship. He was chairman of the Committee of Judiciary, and in that capacity rendered his best service to his country. He was a member of the Electoral Commission in the Hayes-Tilden controversy, and after retiring from the senate, President Garfield appointed him, with Senators Evarts and Howe, to represent the United States at the International Monetary Conference at Paris. In

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1888 he was nominated for Vice President on the Democratic ticket, but was defeated. His public life was pure, brilliant, and useful to his State and country, and his private life was not less pure, attractive, and useful. To his personal qualities was added a striking personality of great force. He died December 12, 1895.

William White should also receive mention; he was born in England in 1822. He came to this country with his uncle in 1831 and settled in Springfield, Ohio. In 1846 he was admitted to the bar. The next year he was elected Prosecuting Attorney. In 1856 he was elected a Common Pleas Judge, and was re-elected in 1861. In 1864 he was appointed a Judge of the Supreme Court by Governor Brough, and was elected for the unexpired term of H. H. Hunter. He was three times re-elected, and his service was for nineteen years. His decisions run through twenty volumes of Reports, and are an enduring monument to his sound judgment, and his eminent fitness as a judge. They touch almost every branch of law, and are regarded with the highest respect. He was mentally, morally, and physically adapted to his office. He died while chief justice, and after he had been nominated by the President and confirmed by the Senate as Judge of the District Court of the United States for the southern district of Ohio.

John W. Okey is another prominent member of the bench. He was born in Monroe county, Ohio, in 1827, and was admitted to the bar in 1849; in 1853 he was elected Probate Judge; in 1856 he was elected Common Pleas Judge and was re-elected; in 1865 he resigned and resumed practice in Cincinnati; in 1875 he was appointed a member of the commission to revise and consolidate the statutes of Ohio; in 1877 he was elected Supreme Court Judge, and re-elected in 1882, and was serving his second term when he died.

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He loved the study of law and the investigation of judicial questions. He prepared a digest of Ohio Reports, and came to the duties of the Supreme Bench with accurate knowledge of our statute laws and the decisions of our courts. It is said there was not a single case in the entire series of Ohio Reports with which he was not familiar, and scarcely any which he could not accurately state. He was a man of rare ability.

Washington W. Boynton was another remarkable man on that bench. He was born in Lorain county January 26, 1833; was admitted to the bar in 1856; in 1859 he was elected Prosecnting Attorney; in 1865, a member of the Assembly; in 1869 he was appointed a Common Pleas Judge by Governor Hayes, and was elected to fill out the unexpired term of Judge Burke. Here he soon attained distinction, and was recognized as being in the front rank of his profession. In 1876 he was elected to the Supreme Bench, which position he held until 1881, when he resigned and, after a short rest, resumed the practice at Cleveland. Since that time he has been largely interested in much of the important litigation of the state, his retainers calling him into all the courts, and large interests being constantly placed in his hands.

He devotes his time to special cases, assisting other attorneys where important legal questions are involved. Few men are better equipped for this position.

He was always a great student, devoted to his profession; of wonderful memory; of quick mind; had a thorough knowledge of the law and the faculty of recalling a particular decision applicable to the question in issue. His decisions, while upon the bench, always carried great weight, and he is justly entitled to the great respect in which he is held by the members of the bar of the state, and the public generally.

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Franklin J. Dickman should also be mentioned. He was born in Petersburg, Va., and graduated at Brown University; studied law with Chief Justice Bradley, of Rhode Island; was admitted to the bar and ran for Attorney General on the Democratic ticket in Rhode Island in 1857. In 1858 he was a member of the Board of Visitors to West Point, and made its secretary; in December, 1858, he removed to Cleveland; in 1861 he was elected to the Assembly; in 1863 he formed a partnership with Judge Spalding, an ex-Judge of the Supreme Court, which lasted until 1875; In March, 1867, he was appointed United States Attorney for the northern district of Ohio, and resigned in 1869; in 1883 he was appointed a member of the Supreme Court Commission by Governor Foraker; in 1887 he was elected for the unexpired term of W. W. Johnson, and was re-elected in 1889.

The written opinions of Judge Dickman cover a wide range of legal questions, and many involve important constitutional questions, and are legal authorities. Among them is to be specially noted the case of the Railway Company against the Telephone Association, 48 Ohio St. 390, which involved a full examination of the respective rights of telephone companies and electric railway companies. The doctrine announced in these decisions was favorably commented on, and approved by Lord Chief Justice Coleridge. Another, involving the taxation of express, telephone and telegraph companies, was taken on error to the United States Supreme Court and approved.

In June, 1892, Brown University conferred upon him the degree of LL. D.

During his service upon the bench he never forgot the responsibilities of, or the requirements necessary to, the proper discharge of his duties, and his opinions are profound expositions of the law.

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Under the Constitution of 1851 it was provided that the Supreme Court should consist of five judges, a majority of whom should form a quorum, and that they should be elected by the people for not less than five years. The number could be increased by the General Assembly, and divisions formed by not exceeding three, a majority of whom should constitute a quorum; and when all of either division could not concur, or where the case involved constitutional questions, it should be reserved to the whole court.

In 1892 the number of judges was increased to six, and the term extended to six years with a salary of $5,000.

A commission was also provided for, to consist of five judges, who should hold office for three years, from February 1876, with like powers as the Supreme Court, to dispose of its accumulated business. Provision was also made for the appointment of a like commission in the future, if necessity required. The judges of this commision were:

Josiah Scott, Luther Day, D. Thew Wright, Henry C. Whitman, W. W. Johnson, and T. Q. Ashburn.

Judge Whitman resigned in 1876 and Judge Ashburn was appointed to fill the vacancy.

In 1883 another commission was appointed under this law for the purpose of disposing of accumulated business, and the members of that commission were:

Moses M. Granger, George K. Nash, Franklin J. Dickman, Charles D. Marrin and John McCauley.

The present composition of the court is:

William T. Spear, Chief Justice; Joseph P. Bradbury, John A. Shauck, Thad. A. Minshall, Marshall J. Williams, and Jacob F. Burket.

William T. Spear, the present able Chief Justice, had long been a prominent member of the bar before his elevation to the bench; he was born June 3, 1843, in Warren,

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Ohio. His father was a judge before him. His father's family came from Pennsylvania, and his mother's from Connecticut. His first experience after obtaining his education was as a newspaper man. He was employed in the office of the New York Herald for a time, and then entered the employ of the Appletons. His experience gained while thus employed has been a great benefit to him throughout his life, and to it, perhaps, more than any other one thing, may be attributed his quick power of perception, and the practical views he takes of all matters which come before him.

He had always cherished the ambition to be a lawyer, and throwing up his position in New York, he came back home to Warren, Ohio, and commenced to study. He was, however, very soon selected by the clerk of the Probate and Common Pleas Courts of Trumbull county, as his deputy, and served as such for several years, devoting his spare hours to the study of law, and at the same time obtaining a good, practical knowledge of it through his service as deputy. His preceptor was Governor Jacob D. Cox, who then was practicing at the Trumbull county bar. Gov. Cox is now Dean of the Cincinnati Law School, and never fails to recall with pleasure the days when Judge Spear was with him.

Feeling the necessity of a course at a Law School, Mr. Spear went to Harvard, entered the Law School, and graduated in 1859.

On returning to Ohio, Governor Cox took him into partnership. Subsequently he formed a partnership with John C. Hutchins, who became one of the Judges of the Court of Common Pleas of Cuyahoga county. They enjoyed a lucrative practice for several years. In 1871 Mr. Spear's friends insisted upon his accepting the nomination of Prosecuting Attorney, and he was elected by a large

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majority, serving two terms, and giving such good satisfaction that the city of Warren made him Solicitor for two terms. In all these relations he was eminently successful, receiving the highest commendations from the bench and bar, for his zeal and learning. After retiring from the office of city solicitor, he formed a partnership with C. A. Harrington, Esq., but was very soon compelled to give up a very large and lucrative practice at the request of his friends, and accept the position of Judge of the Hourt of Common Pleas. He served in this capacity one term of five years, and was re-elected, but did not complete the second term, because of his election to the Supreme Court bench; and he has since been twice elected judge of the latter court. His mind is eminently judicial. In the preparation of his opinions the greatest care is taken, and the aptness with which he expresses his views, and the forcible English he brings out is the great delight of his friends. He is at present Chief Justice, and it is the universal desire of the bar of the state that he may be induced to occupy a seat upon the Supreme Bench for many years to come. He is personally a very popular man, and his social qualities commend themselves to all with whom he is brought into contact. He is not only learned in the law, but in general literature, and draws upon this fund with great facility and aptness of expression.

Thaddeus A. Minshall, a member of the Supreme Court, was born in the same month and the same year as Chief Justice Spear, in Ross county, Ohio; his education was largely due to his own efforts, and was completed in his own county in Mt. Pleasant Academy. Just as the war broke out in 1861, he was admitted to the bar from the office of S. L. Wallace, Esq., Chillicothe, Ohio. The first call of the president brought him to his feet, and he enlisted as a private in the 22d O. V. I.; he served four months,

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and was mustered out as a Sergeant Major. In less than two months, he re-entered the service as Captain in the 33rd Regt. O. V. I. There he faithfully served his country for three years, and was mustered out in October, 1864. He participated in many of the great battles of the war, including Perryville, Stone River, Lookout Mountain, Resaca, and Peach Tree Creek, and the battles in front of Atlanta. He commanded his regiment through the latter part of the Atlanta campaign. As soon as he obtained his release, he at once began practicing law at Chillicothe, being elected Prosecuting Attorney as soon as he had opened his office. After he served one term, he again opened an office, and arose at once to the front rank in the bar of the county, and in 1878 he was elected judge of the Court of Common Pleas, and was twice re-elected thereafter, serving with great satisfaction to the bar and the public. He established such a reputation for himself of fairness and legal learning that in 1885, when Judge McIlvaine resigned his place on the Republican state ticket as a candidate for Judge of the Supreme Court, the Republican state committee selected Judge Minshall to fill the vacancy, and he was triumphantly elected. In 1890 he was regularly placed in nomination by his party and again elected; and re-elected in the fall of 1895, which term he is now serving. His opinions, as published, bear evidence of learning and careful thought and deliberation. Perhaps the most important opinion which he has delivered is contained in 49 Ohio State 137, in the case of State ex. rel. v. Standard Oil Co., where the trust agreement entered into by the Standard Oil Co., and other corporations, came under consideration, and wherein the Standard Oil Co.'s trust certificates were passed upon. He held that the agreement was against public policy, as tending to create a monopoly and control production and prices.

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Joseph P. Bradbury is a native of Ohio and was born in 1838, in Gallia county. In 1857 he entered the United States army and served that year in an expedition against the Mormons under Gen. Albert Sidney Johnson; left the government service in 1859, when he went to California and for several years engaged in gold mining; then returned to Union City, Ind., but in 1866 removed to Pomeroy, Ohio, where he still resides. In 1869 he was elected, and in 1871 re-elected, Prosecuting Attorney. In 1875 he was elected Common Pleas Judge and was re-elected in 1876 and 1881. In 1884 he was elected Circuit Judge of the Fourth Judicial Circuit, and from there was promoted to the Supreme Bench in 1888, was re-elected in 1893 and is now serving that term.

Judge Bradbury was especially qualified for a trial judge because of his keen, perceptive powers, quickness of action, and sound judgment; had great facility in handling the facts of a case and in fixing the law applicable to them. Since taking his seat upon the Supreme Bench his opinions show his familiarity with text writers and the decisions of courts of last resort, and where no precedents exist, his strong common sense and thorough knowledge of the law, make him a fit exponent of a court of last resort.

Jacob F. Burket was born in Perry county, O., in 1837; was elected to the additional judgeship in the Supreme Court, created by legislative enactment in 1892, and has risen to his present position from his trade as a carpenter. In June, 1859, he commenced to study law, teaching school in the winter, and was admitted to the bar in 1861; commenced to practice at Ottawa, Ohio, but removed to Findlay in 1862, where he continued to practice; at first with Henry Brown, Esq., and subsequently with his son, Harlan F. Burket.

At the Republican convention held in Cleveland in 1892

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he received the nomination for Judge of the Supreme Court and was elected, taking his seat February 9, 1893. While at the bar, his practice was largely devoted to corporation interests, he himself being President and Director of the American National Bank of Findlay, Ohio; is a member of the American Bar Association and of the Ohio State Bar Association, seldom failing to attend their meetings. Since taking his seat upon the Supreme Bench, he has shown the same care in the discharge of its duties that he did at the bar, devoting himself with never-failing energy and thought to the fair elucidation of all questions as they arise. He is one of the most useful members of the court, and his decisions carry great weight throughout the state.

John A. Shauck became a Judge of the Supreme Court on February 9th, 1895; was born in 1841 in Richland county, Ohio, and is a descendant of good old German stock; is a graduate of the Otterbein University, and attended the law school of the University of Michigan, graduating therefrom in 1867; was admitted to the bar of Ohio in the same year; settled at Dayton, Ohio, and remained there in general practice until February, 1884, when he was elevated to the Bench of the Circuit Court, and served there with eminent satisfaction to the bar and the public, until elevated to the Supreme Bench in 1894; took his seat February 9th, 1895. While upon the Circuit Bench he was considered one of the best judges in the state, and it was the expectation of the entire bar of the state that when he took his place upon the Supreme Bench, he would fully maintain the position he had gained. This expectation has been fully realized, and although but a short time upon that bench, he has impressed his individuality upon it. His decisions are full of clear exposition of the law, argumentative, and fully cover all the points in controversy.

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Marshall J. Williams was born in Fayette county, Ohio, on a farm, in 1837; attended the Fayette Academy and common schools, and after partly finishing a course at Ohio Wesleyan University, he commenced to study law at Washington Court House with Hon. Nelson Rush. In 1857 he passed his examination, was admitted to the bar and commenced to practice at Washington Court House. Two years later he was elected Prosecuting Attorney of Fayette county, and re-elected to a second term. He attained great reputation as Prosecuting Attorney, and laid the foundation for a very extensive practice. After the expiration of his second term he opened an office and was retained in nearly all the important cases in Fayette and adjoining counties, either on one side or the other. In ten years more he was elected to the General Assembly and served two terms. In 1884 he was elected Judge of the Circuit Court, and was chosen as Chief Justice of that court. In 1886, while he was still on that bench, he was elected to the Supreme Court, and took his seat February 9th, 1887. He was Chief Justice from February 9, 1891, until February 9, 1892, at which time he entered upon his second term as judge of that court. He is in the full prime of life and intellectual vigor, and has an eminently judicial mind. In all of his opinions one is impressed with his fairness and his desire to get to the bottom of the facts and the law. He was also prominent in the establishment and promotion of the law department of the Ohio State University, was its first Dean, and still takes great interest in that institution.

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CHRISTIAN SCIENCE AND THE LAW.

BY MORITZ ELLINGER, ESQ., CORRESPONDING SECRETARY MEDICO-LEGAL SOCIETY OF NEW YORK.

The death of Harold Frederic, the talented novelist and genial correspondent of the *New York Times*, in the zenith of his manhood, credibly reported a victim of Christian Science practitionership, has called the attention of the world to a new school of medical practice, which, however, seems to be in closer alliance with the vocation of the undertaker than that of the ordinary pupil of Æsculapius. Of course, as far as our Society is concerned or interested in, we have nothing to do with the faith or belief of those who call in requisition the service of the C. S. D. or Doctor of Christian Science, or of the practitioners themselves. In reality, Christian Science seems to me a misnomer and totally unjustifiable. Science is neither Christian nor Jewish, neither Mohammedan nor Agnostic, but universal. Its object is to study the laws of the world in which we live, to determine them with the senses and by the light which nature has provided us with, and to apply the results of our researches for the benefit and the weal of our fellow-men, and afford us a better perception of the relations between man and his Creator. Science is perfectly independent of faith, belief or religion; these can have no influence upon our investigations and if anything, they become an impediment to the unprejudiced conception of the phenomena we undertake to observe. It is true there was a time when ecclesiasticism claimed authority to control science and place it in the crustean bed of orthodox

Read June 21, 1899, before the Medico-Legal Society.

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belief, but enlightenment and civilization have finally secured perfect independence for scientific investigation and the investigators of nature's secrets need no longer inquire whether their discoveries militate against the letter of Holy writ, but are at full liberty to maintain fearlessly in the face of the whole world, what truths they have found.

The Gallileos of to-day stand no longer in fear of being consigned to a dungeon until they recant, the Keplers may boldly proclaim their new scientific theories without waiting for their dying hour, so that no evil may befall them, a Giordano Bruno need no longer face the funeral pyre, Darwin, Huxley, Tyndal, Spencer, Buchner, may disregard the ecclesiastical authorities and compel the churches to trim the sail to the scientific breeze. Science stands for itself and upon its own pedestal. Christian Science is justified only if it applies to matters of doctrine and faith, of dogma and creed, and belongs altogether to the domain of theology. Of course, that science cannot concern us here, and the admissibility of Professor Dr. Briggs as a priest of the Episcopal Church, or, as for that matter, religious controversies of whatever nature, can not be made the subject of investigation or discussion before this body.

Science and Christianity are separate and distinct, and the moment the former is qualified as Christian or Mahommetan, or Brahman, or Jewish, it is barred out the Temple of Science. As independent and free, science must and should be as free and independent as religion, or the churches which stand before the world as the representatives of religion. At least in this country, which in theory and by the pact of constitutional enactment, has divorced state and church, every man is free to believe what his conscience or emotion leads him to have faith in, to worship God in the manner he sees fit, and to practice

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such ceremonies as he considers divinely ordained. That is, if these practices do not interfere with the political, civic and social rights of his neighbor, and do not endanger public health and morals. Nobody objects to the Shaker shaking as much as he pleases, to the Quaker wearing whatever costume he sees fit, or to an Oneida community living under a socialistic arrangement, but the State decidedly objects to and will not permit polygamy or polyandry, however much the people believing in the gospel of the Latter Day Saints claim these practices part of their belief, nor are public processions of a religious character, which offend dissenters, permitted, because the State is sovereign and will not sanction the disturbance of public peace. Nor may Salvationists disturb the rest of the community by making night hideous with drum, tamborine, or trombone. As far as I know, Christian Science has not yet received the recognition of the State, or of any learned faculty, as a scientific body, nor have I ever heard of any application made by the body issuing diplomas of C. S. D. for recognition. Then the question arises, should these people who claim to heal and cure diseases and attend the sick be allowed to practice, as in hundreds of cases they do, without the authority of any of the bodies recognized by the State as legitimate grantors of such authority?

The law insists upon the production of a diploma by the medical practitioner, issued by a recognized scientific authority, such as a college or an university, before he can practice as a physician. Such a law is in force in every well-regulated community, in all civilized countries. It is demanded in the interest of public health and morals. A young man may have gone through a regular course of studies, but possesses not the accomplishment and finish to pass an examination and receive his diploma. He is not

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allowed to practice as a medical attendant, and the State, as well as the medical organizations of the State or County, are charged with bringing the violators of the law before the administrators of justice. The healers of the Christian Science creed do not claim to possess the knowledge required by medical faculties, they disclaim any connection with medical science and throw ridicule upon the practice of medicine, or of administering any drugs or medicaments to the patient entrusted to their charge. The careful reading and re-reading of the Bible issued by their prophet, Mrs. Eddy, is, in their eyes, more efficient than any substance in the pharmacopœia. In the opinion of Mrs. Eddy sickness is but imagination, an affection of the mind, and if the patient will make up his or her mind that his or her body is not affected by any disease, the flesh will yield to the spirit and the imagination of health. Of course, prayer must assist in driving away the imagination with which, for the time being, the patient is possessed. Scarlet fever will yield, according to the revelation of Mrs. Eddy, to this persuasion, or incantation, as I would prefer to call it, as well as measles or small-pox, or even cancer. Typhoid fever, or inflammatory rheumatism, fly away in the face of the exorcists as the unclean spirits in the presence of holy water. Whether these scientists would dare to brave the presence of cholera or the bubonic plague, has not yet been demonstrated. At any rate, whether a cure is effected or not, it makes no difference. The fee is collected in advance, and dispensaries have not been established yet. According to Mrs. Eddy, the payment of the fee in advance is indispensable, as confirming the faith of the patient in the power of the healers—a lesson which ordinary physicians might profitably copy.

Whether prayer, incantation and persuasion is as efficient as quinine, phenacetine and other anti-febrines in allaying

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fever, I am not competent to discuss, though I am frank to confess that I have not the slightest confidence in the remedies of the Christian Scientists, and it may be a debatable question whether in case of sickness the pater or materfamilias has not the right, under our constitution, to call in the assistance of a Christian Scientist in preference to a regular medical practitioner, but the neglect of calling in a competent scientist may endanger the health of the whole community.

The law makes it the sworn duty of the physicians to bring to the notice of the sanitary authorities all cases of a contagious or infectious character, in fact, all zymotic diseases, in order to protect the health of the public and to guard against the spread of disease of a malignant character. The consequence of the absence of a regular physician has been shown. A few weeks ago, in Chicago, a child died of diphtheria without medical attendance, infecting other members of the family. Is it not the duty of the State to interfere in order to safeguard the health of those people who have no faith in the power of Christian Science? Of course, everybody has a right to look upon matter as a mere reflection of spirit, and call in prayer meetings as an adjunct to the remedies which the disbelieving doctor may prescribe, and he may have the right, which is very questionable, however, to expose the health and life of the members of his own family, but he has certainly no right to expose the health and life of other people to his peculiar belief. Of course, my purpose this evening is only to discuss the matter, and that merely superficially in its medico-legal aspect, and to point out the need of paying more serious attention to this modern fad, which is spreading to an alarming extent, as has been shown by a number of cases which recently occurred where people have fallen victims to the belief in Christian Science.

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That there is a defect in our laws dealing with these eventualities has been demonstrated by the embarrassment in which the guardians of law find themselves, and I think it but timely that this question be considered in all its bearings, without prejudice and bias by competent men, and report be made to the Society of such measures or laws or amendments to the existing laws which would put an end to this homicidal freedom which endangers the lives of innocent children and ignorant dupes. In my opinion a committee should be appointed by this Society, to examine the question and make a report next fall.

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CHRISTIAN SCIENCE AND THE LAW.

BY HOWARD ELLIS, ESQ., OF NEW YORK.

I have come, most willingly, to take part in the discussion of Mr. Ellinger's paper, "Christian Science and the Law." Any contribution I can make to the great work of this Society, I gladly bring.

Medicine and the law work together here, to cure ills, physical and moral. I know that it is bluntly said that the law deals not with morals, but with rules of action; but rules of action are based upon rules of just conduct, as between man and man. I may go farther. Mr. Henry Havemeyer stated, before the Trusts Committee, at Washington, that business was not philanthropy; but business, in any proper meaning of the term, could not exist unless based upon the consideration of fair intercourse of exchange in the affairs of life.

Speaking as a lawyer, political science, our especial charge, has demonstrated that in a country of freedom and law the highest manhood is developed. Christianity and civilization go hand in hand. The utmost expression and individuality is to be found here. The father and the son, the husband and brother, and woman in all her beauty of person and of character, here is known. The rights and loves of children are demonstrative, and any assaults thereon are visited with public condemnation. The man, as elector, soldier, or worker, attracts the admiration of mankind, elsewhere, and this is all the production of equality before the law, and an unbroken responsibility to

Read at June Session, Medico-Legal Society, 1899.

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it. "Equal duties from all" finds itself confronted with "Equal rights for all."

I speak in behalf of the law upon the question now to be considered. The responsibilities of the law are unavoidable, and they are endless. These responsibilities arise because absolute reason, the law itself, must be applied to human affairs. I mean that human reason which may be applied to the practical affairs of life. In war the laws are silent; in peace they are sovereign. In battle the shot is swift; in the law, though "it travels with a leaden foot, it strikes with an iron hand." That sovereignty controls every matter in which the community is concerned; professed faith as well as medical science, wherever they are to be applied. Toleration is not license; it is a defence, and scientific research may not cover an empiricism. A combination of faith and science, if practicable, cannot avoid the authority and control of the law.

In all the affairs of life relating to human action, the true philosophy is jurisprudence. It is not a speculation. Jurisprudence is applied morality—morality in its pure sense; the relations and conduct of men. It is in this regard that the law administers the affairs of men. Bacon was the first of lawyers and the first of philosophers. He constructed a philosophy from the facts of life; no glittering generalities mastered him.

The immediate question to-night is, whether physic and faith may be combined in a course of healing, and being so combined, defy the law. I apprehend, such a combination, though allied with force, must yield obedience to the law. It is an axiom of the law that the law must treat intellectually every controversy. No matter what may be involved, counsel must present intelligently, if not with power, for the consideration of the judges, every disputed fact, that an adjudication may be made. Sir James Scarlett

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studied fractures for six months to punish a libeller of a surgeon, and in England to-day queen's counsel are ascertaining the validity of ritualistic practices. Yet no one is more sensitive to the truth than the lawyer, no one more modest in presenting it. We look on all hands for aid in that we do not understand; the expert is our creation.

To-night "Christian Science," a term chosen by those who pursue, let me say at this moment, certain practices, not a practice—that being the point at issue—is to be resolved as something in law harmless or noxious. Did this cult "minister to a mind diseased," cure a Macbeth's melancholy for his soul in old age, or take the sting from an Othello's anguish, we could applaud it.

That the rules of law, animated by pure human reason, can resolve this question, I have no doubt. By them can be determined whether Christian Science is already denounced by the law, or whether it is a mischief for which a remedy is to be found. These rules can fix the limits of faith and ascertain the boundaries of science.

What is faith? It is that personal relation, in Christianity, which the individual soul has to God. That relation is direct and it cannot be controlled, certainly not traded upon. Faith to-day has shaken off its shackles. Neither priest, pastor nor preacher may demand obedience. Authority is in abeyance, ministration is subordinated and doctrine withers, when the soul seeks its refuge. And Science is the ascertained relations of things material. These cannot be joined. To reduce a faith to science is to take its life. A great sect has preached the truth, a fact only, but its zeal, taken from the old faith, wearing out, it now seems to be threadbare and forlorn.

To call a treatment of a disturbed physical condition a faith science cure, is to violate the sense of words. And

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it is that false doctrine against which Christians were warned at the beginning.

The care of a person out of health, or of one in any way injured, may be divided into ministration, nursing and treatment. The first is at the hands of some relative or other person interested in the patient, who may encourage or cheer the sufferer, but cannot pass that limit. And the nurse, though qualified by a two years' course of study and even extended and successful work, dare not treat with any form of remedy.

"Treatment" is distinctly a process of physical cure. It is applied to a person, and when so applied for a fee it is practice, and it is in the clear sense of the term practice of physic, the act of a physician.

It is contended that the Christian Science cure is not practice of medicine, within the prohibition of the statute, ch. 398, Laws of 1895, which reads: "Any person who, not being then lawfully authorized to practice medicine within this State and so registered according to law, shall practice medicine within this State without being lawfully registered, etc., shall be guilty of a misdemeanor, and upon conviction shall pay a fine of not more than $250 or imprisonment for six months for the first offence, and for a second offence shall pay a fine of not more than $500 or be imprisoned not more than one year, or both."

But the less is contained in the greater. The use of a medicament is a mere part of treatment. At the great cures in Europe, the things forbidden are the feature. The first authority upon this cure, Professor Erb of Heidelberg, said to me at a consultation, that he could not understand how American physicians could justify the giving to delicate and ailing women strong drugs, poisons even, as tonics.

The treatment is practice, and the authorization of treatment by the ignorant, the unscrupulous and the mercenary,

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shocks the moral sense, the distinctive sense of the jurist.

Public prosecutors may temporize—they are a temporizing lot,—and the judges may interpose their customary doubts; but if the words "practice of medicine" must be ruled to fix a limitation, which shall require the use of a prescription of drugs, the act of 1895 being a penal statute, then must a law be enacted defining the offenses, the frightful outrages, leading even to the death of the victim, of the Christian Scientists, and declaring the punishment.

Faith is sacred and Science is truth, the absolute fact, and no craft, hateful word, the base cunning of man, priestcraft, the pretence of the practitioner, nor the insolence of the lawyer, can be permitted to use and abuse them, or either of them.

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CHRISTIAN SCIENCE AND THE LAW.

BY CAROL NORTON, C. S. D., OF NEW YORK.

I have been asked as a representative of the Christian Science movement to offer a brief review of the legal aspects of our system, to state its religio-philosophical basis, and outline its natural trend.

I take my pen to comply with this request in the spirit of fraternal fellowship with all searchers for religious and curative truth. As a Christian Scientist I respect all honest opposition to the views I represent, and as a citizen of the Republic, join hands with all who labor to protect the public from fanaticism, charlatanism, and unscientific practice in therapeutical activity and in religion.

Christian Science means first, last, and always, the demonstrable understanding of the Science of Mind, *alias* God, the Deity. It stands for the scientific mastery, religious and curative, of the Christian teaching of Jesus, and the Monotheism of the Hebrew teachings of the Old Testament. Christian Science is not new. Its methods antedate the Christian era, and its healing work is but a revival of a lost element of the teaching and practice of Christ. With Jesus Christ the religion which is named after Him and is embraced by the foremost nations of earth, is twofold in nature, reformatory and curative. Christianity, rightly lived and demonstrated, means regeneration to the depraved nature, and bodily health to the pain-racked or sick body. The first three centuries of our Christian era were periods of great spiritual enlightenment and physical

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healing, through mental or spiritual means, without drugs or material methods. This correlated system disappeared through the negligence of the third century Christians and remained a lost art in the list of Christian privileges and duties until its recovery or re-discovery through the instrumentality of Mary Baker Eddy, in 1866. Her self-evident recovery of one of the vital elements of the religion of the New Testament has been followed in less than thirty-four years by its acceptance by upwards of two million persons in all parts of the world, by the formation of some five hundred church organizations, and by the healing of nearly two million cases of hopeless disease. This is a truly practical record of good works. Its detail and genuineness are open to the honest investigation of any truth-seeker or opposer.

When Christ commanded His followers to preach the Gospel to all people, He also directed them to heal the sick, and established the *method* himself, namely: mental or spiritual Mind healing. Jesus neither used drugs nor advised their use. His healing and that of the first three centuries was not supernatural, but divinely natural. Metaphysical therapeutics represents the third step of rational progress in curative science and is as much in advance of Allopathy and Homeopathy as these systems present methods in advance of the Indian medicine man and the sorcerer. Progress in the curative art has always come in spite of human nature rather than because of it. The human mind slowly accepts the self evident results of advanced ways and means while antagonizing the premises offered. In religion Christian Science is truly catholic, because it seeks the full obedience of *all*, as opposed to a part of Christ's commands. It therefore meets with the condemnation of the religionists who are obeying a portion of His commands, perchance innocently asleep to the full

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import and power of the undivided garment of Christianity.

In the curative world Christian Science meets with opposition which, as a rule, is based on that humanly instinctive tendency of mortal nature, which from habit, training, and custom sees danger in all that displaces established systems. This tendency of the human mind has a peculiar ability to ignore confirming facts in support of the new order and always evinces a phase of sentimental loyalty to the ancient and crude methods, which is quite out of keeping with its protestations of interest in the moral and physical welfare of the people.

Christian Science Mind healing is to thousands a part of genuine Christianity. It must therefore be dealt with as a religious act or system. The *modus operandi* of its healing can be truthfully denominated "The highest form of enlightened prayer to Almighty God, *alias* the Principle of the Universe." This prayer is not the method of the faith curist, nor is it the incantation of the ignorant devotee. Hypnotism, mind cure, mesmerism, and suggestive therapeutics are antipodes of the scientific procedure of Christian Science. As a system it is based on a demonstrable premise of mental Causation. Its anatomy, diagnosis, analysis of symptoms, prevention, and cure are all consistently mental, not physical. By this it is affirmed that mental, not physical, cause and effect are always dealt with. The unreality of disease and pain in Christian Science means, in a common sense way, that these conditions are essentially abnormal; hence curable by a right application of the divine Principle of health and its laws. This curative Principle for evil and disease is God, or divine Nature. Can the use of this eternal Element be forbidden by statutory prohibition? Christian Science is not the practice of medicine. It eschews the use of drugs. The courts invariably hold that medical practice must be un-

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derstood as the physical use of drugs and medicines. Christian Science healers are therefore not practicing medicine, but carrying on the humanitarian work of alleviating human woe and healing the sick. Thousands are healed by Christian Science of such diseases as cancer, tumor, consumption, deafness, paralysis, hip diseases, and drug and alcohol habits, after the best medical skill has failed. I stand ready to give addresses, dates, and names of physicians of both schools in full support of this claim. Therefore the deduction is made that the system is not a menace to the public health, but is its best friend. Furthermore if the method is healing so many cases pronounced incurable by regular medical experts, the thousands who die without having had the privilege of Christian Science treatment have been allowed to pass away without the possibility of restoration through this method that so often saves suffering mortals from the grave itself. Again the Christian Scientists gladly invite that their practical results in epidemics of disease be compared with those of regular physicians. A system of therapeutics like a system of religion should be judged by its uniform successes, not by its isolated failures. Justice demands this. Our national Bill of Rights not only accords the individual the privileges of conscience and religious conviction, but names life, liberty, and the pursuit of happiness, as among the inalienable rights of man. The attainment of painless existence and health here and now is certainly the pursuit of liberty and happiness. If popular schools of medicine fail to give these desires of the heart, these privileges of life, shall mortal man assume the prerogative of Deity and say "be treated by authorized and so-called regular methods; if these fail, die in a regular way or suffer on in the authorized way of popular custom, but you shall not have the right to employ a follower of Christ, who imitates His

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ways of cure and heals,—but according to *our* schools, in an *irregular* way?"

I fearlessly affirm that the members of the Medico-Legal Society will, with *all* honest minds, answer *No*, thrice no! such things shall not be. When surgeons cease to perform unsuccessful operatious, when our earnest and humanitarian friends, the doctors, never lose a case, but cure all their patients, then, and only then, can Christian Science be judged by its isolated failures, and all its grand works of burdens lifted, lives purified and bodies made whole, be systematically ignored and buried.

And before I close let one further point be briefly examined—the question of the right of compensation in the healing work of Christian Science. One of the tenets of Christian civilization is that "the laborer is worthy of his hire." The law of equivalents or compensation is universal. Lawyers receive fees for defending the rights of their fellows, doctors receive pay for the humane labor of alleviating human misery, clergymen accept salaries for obeying Christ's commands, and religionists receive remuneration for doing good to their fellow-men. All live by the law of humanitarian reciprocity. Why then should the Christian Scientist, who is a physician, minister, helper, and reformer, be an object of charity and go about as a mendicant? All Scientists, as is the case with all earnest reformers, do a vast amount of purely philanthropic work. In closing let it be reaffirmed in the words of the Christian Science text-book, *Science and Health, with Key to the Scriptures*, by Mrs. Eddy, "God will heal the sick through man whenever man is governed by God." Let the system be compared with the teachings of Christ, let its healing work be judged by its actual results, let tolerant examination be substituted for partisan condemnation; then, and then only, can it be seen in its true light

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as a friend of good morals and the public health, and as the demonstrable understanding of the Christian religion according to the Bible and Jesus Christ.

To the members of this Society I extend earnest greeting. I thank you for the spirit of impartial investigation so conspicuously shown in your proceedings, and it is with most cordial regard that I comply with the request of your officers.

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CHRISTIAN SCIENCE AND THE LAW.

BY H. GERALD CHAPIN, ESQ., LL. M., OF NEW YORK.

It is needless to allude to the deep interest that the present subject must necessarily excite, roused, as it has been, by numerous cases alleged, and in some instances actually proven, to have occurred, in which death has ensued, due to a lack of proper medical attendance, the patient or his friends having been believers in so-called Christian Science Healing. But before we come to take up any such stringent remedy as legislative action, let us pause and consider.

In the first place, viewing Christian Science merely as a religion, there can, we believe, be scarcely any doubt of an absolute lack of authority, resident in any law-making body in this country, to declare unlawful the observance of the precepts of a particular cult where such precepts do not bring about results positively injurious to the community at large. A power to prohibit polygamy or polyandry no one may dispute, nor, as one of the speakers has said, may the Salvation Army be permitted to disturb the quiet of the neighborhood with sound of cymbals or tamborine. It is a very far step from this, however, when we say to a man, "You must employ a member of such and such a medical school when you or one of your family is ill." To my mind, an act like this comes quite close to being an exceedingly dangerous infringement upon the liberty of the individual. If I am ill, I challenge the right of any legislature in the world to indicate whether, and how, I shall be treated. It is an intensely wearisome platitude to

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say that the very best way to favor a religion is to persecute it, and it is very questionable whether anything would give quite the impetus to Christian Science that a few penalizing statutes would. Remember that this is not merely the question of a preference for some particular school of medicine. The followers of Mrs. Eddy have bound up their system of medicine with their religion, if one falls the other must fall also. The author was talking, some time ago, with the somewhat cynical proprietor of a well known patent medicine whose advertisements we see upon every fence, and during the course of the conversation asked him, "Now just as a matter of fact, between ourselves, is there really anything in the claim that that mixture of yours will cure all the list of diseases that you say it will?" The answer I received was, "Well, it won't do people any positive harm, and a man will believe anything you tell him about his religion and his health, so, may-be, it really does somebody a little good." It is because the Christian Scientists have combined the two that there will be an infinity of trouble in enforcing any prohibitive act, and the moment one is passed it is easy to prophesy that a cry of religious persecution will be raised that will operate to bring a goodly number of recruits into the fold.

But putting aside all questions of a religious aspect of the matter, let us look at the subject purely from a medical standpoint. While disclaiming any affiliation with the sect, it is questionable whether some good is not attained through their methods in a certain limited class of cases. Every physician realizes the important role played by imagination when he remembers the vast number of cases which exist of hysterical origin. In such as hysterical paralysis, hysterical aphonia, hysterical motor ataxia, and hysterical dermographism, where the true seat of the dis-

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ease is in the imagination alone, the Christian Scientist may almost contend on an equal plane with the graduate of a medical school. The cure is as easy and as efficacious whether the patient takes bread pills or submits to a pretended operation for the purpose of humoring him and persuading him that a cure has been effected, or is made to believe that a beneficent Deity has interposed for his especial benefit. No one who has visited the cathedrals in Catholic cities can fail to be impressed with the heaps of crutches and canes that are shown as testimonials of the medicinal properties of the thigh-bone or ear-tip of some particular saint. That a person has entered the shrine of our Lady at Lourdes on crutches, after having been treated for a long time without success by the medical fraternity, has thrown them away and walked forth cured, to all appearances, may be conceded. That there was anything really the matter with such an individual beyond a perverted imagination, may be denied. If the hypnotist is able to cause a blister to arise by informing the subject that he is touching him with a red hot iron, when, as a matter of fact, he touches him with nothing more harmful than the tip of his finger, we are certainly justified in allowing wide latitude to the powers of the imagination.

"But," someone may ask, "how about contagious or infectious diseases, when nothing is done to prevent their spread?" To that it may be answered, that while the citizen may have the right to call upon a Christian Scientist, if he so desires, to attend himself or his family, that being a purely personal matter, he has no right to endanger the lives of his neighbors. By all means let the holder of a C. S. D. diploma practice in all cases, if anyone can prostitute his reasoning powers so that he believes in an ability to cure by Christian Science methods such diseases as small-pox, diphtheria, or typhoid fever; but let such "Healer" act

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under the same supervision as does the holder of an M. D., who is required to notify the Board of Health of the existence of the malady and is compelled to see to it that proper means are adopted by isolation, &c., to prevent the spread of the disease.

Let us be just and consider that in all probability no science is so inexact as that of medicine. Mind, we are not speaking of surgery, but medicine pure and simple. Call in half a dozen physicians and you will usually, if the case presents any complicated features at all, have at least four of them differ in the diagnosis. There is scarcely any profession which hates more to depart from given lines. Hypnotism, after over fifty years of struggle, is just beginning to be recognized as a possible aid in effecting cures of a mind diseased. What an uphill fight did Dr. Morton have in introducing chloroform as an anæsthetic? How long was it before the virtue of vaccination began to be recognized, and how long was it before the pioneers who urged that heated rooms and loads of blankets was no way in which to treat a fever patient ceased to be looked upon as dangerous lunatics? Who cannot remember the memorable struggle between the "regulars" and the homeopaths, and the battle which is even now being waged between the allied forces and the osteopathic school? While the professors of Christian Science may go much too far in their claims, some credit must be given them, and just what amount of credence should be placed in their methods, must be determined by the individual patient, or should he not be capable of acting for himself, then by those to whom the law has confided the duty of protecting him. On the whole, the case seems one where each individual may be permitted to act as he or she thinks best about calling in a Christian Science Healer, and any legislation which would tend to restrict this privilege, would be far too paternalistic to deserve anything but failure.

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CHRISTIAN SCIENCE AND THE LAW.

BY JOHN CARROLL LATHROP, C. S. B.

I did not come here this evening with an idea of speaking, but simply, if called upon, to subscribe to the admirable paper on the subject by Mr. Norton, which you have just heard.

Those of you who have listened to these truthful words in a fair, impartial and receptive attitude of mind, will understand the points made, and know more about this wonderful subject than you have known, for this Science must be approached in this spirit, else it cannot be understood.

To those who have not done this, I will simply say, and lay great stress on this point, that you cannot eliminate the religious element of Christian Science as you would do, for it is the Almighty God, the divine and infinite Mind which accomplishes the healing work in this Science and does the very marvels in this system to which you take exception. Can you legislate against the Lawgiver and Healer? Is there a court of justice, jury or judge in this great land of ours who would deny this power to the infinite Mind and enact laws prohibiting this saving and elevating work? Remember that there really is but one Judge, but one Lawgiver, and we have no fear that He will allow our justices of the peace, in moments of decision, to be governed by any but the loftiest of motives.

It is not this carnal mind of ours which performs these cures of the sick, or pretends to, and here Christian Science differs from all other healing systems. This carnal or material mind is incapable of comprehending this healing

Address before the Medico-Legal Society, June 21, 1899.

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work, for what says Paul the apostle, "But the natural man receiveth not the things of the Spirit of God, for they are foolishness unto him; neither can he know them, because they are spiritually discerned." It is this nature of thought, which cannot grasp these higher truths, that condemns this Science.

We did not hold our Metropolitan Opera House Lecture to defy the law, as one speaker has stated, nor in any sense as a defence. Christian Science needs no defence. It is daily justifying itself by making better men and women, and the good people, those Christian Scientists who sit here before you, can all testify to having been lifted out of many chains of disease, and also out of the very condition of thought which is making this attack to-night.

Friends, we all felt once just as you do now, but after many years of suffering, physical and mental, we have grown out of the rut of our ignorance and become happy and healthy people through understanding the wonderful spiritual Truth which Christian Science reveals.

Christian Science is simply following the teachings of our Master, Christ Jesus, plain and unmistakable, and does the works which he did and came to teach humanity to do 1800 years ago.

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PARAPHASIA.

BY HART VANCE, ESQ., OF LOUISVILLE, KY.

The inhabitants of Gratton, whose normal oscillation of interest was only between the everyday life of a prosperous village and the mild momentousness of County Court Day, had just experienced an unprecedented series of sensations, and were in that state of unanimous attention in which the verisimilitude of the old Greek Chorus is sometimes vindicated.

The death of Mrs. Rogers itself had been their greatest occasion of discussion since the election of Robert Garrard as United States Senator had amazed them eleven years before. Not only did it moot anew all the curious considerations bearing upon her disposal of an immense fortune, but her undivulged solution of the problem, was of very serious import in a town whose prosperity would be so largely dependent on the character of her successor in social and plutocratic premiership.

This topic, however, had been violently interrupted, after only two days, by news that Judge Mackenzie was dead—had been found dead in his office. Then had come an untraceable rumor of murder, and then, forestalling even the full sense of this, the astounding report that the will of Mrs. Rogers, of which Judge Mackenzie had been supposedly the custodian, was not to be found.

This report had been verified by the Judge's partner, whom Sam Tracey had intercepted between the office and the stricken household.

"I do not really know, however," Col. Duncan had added, "that there was such a will. I certainly thought there was, but I find the grounds of my impression very vague at present. Mrs. Rogers was his client—not mine—and one of those clients whose confidence he kept individually. There was a sealed memorandum in my safe of the combination of his, but I had never seen it until today, and knew practically nothing of his papers."

So complete had been the reversion of interest to the sub-

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ject of the great demise that Sam Tracey neither inquired nor was questioned as to particuars of the tragedy of the day, though public information in that respect was very indefinite.

The Chorus was engrossed with the new doubt about the will. Throughout the rife speculation on the question of succession, there had been no surmise that Mrs. Rogers might be intestate. The reasons for devise were so patent and so imperative that voluntary intestacy on her part was inconceivable.

One result of the mere portent now, that she might have "let the law take its course," was an odd shifting of sympathies in reference to the two young men whose destinies were most essentially involved.

These were Garrard Curtis and Roger Wallace, the nephews respectively of Mrs. Rogers and her husband—young Wallace being more precisely designated, in the parlance of the town, as "the posthumous nephew of Walter Rogers."

Curtis, as the nearest relative of his aunt and alone in his degree, was, legally, heir of the whole estate, it having vested in her absolutely under the will of her husband; but the practically unanimous sentiment of the community recognized a higher equity in the case, regarding Roger Wallace as in reality a pretermitted heir of his uncle and not less entitled certainly than her own kinsman to consideration by the widow. Though it had never been explicitv avowed, no one had doubted that Mrs. Rogers herself held this view and would act accordingly.

A sort of partisanship had undeniably developed concerning the local preeminence for which the two heirs were virtuallv candidates, but it was clear that no one had contemplated Roger's entire exclusion from the inheritance. and now, when this seemed the probable event, there was no want of unison in the choral expression of regret.

The young men differed notably, and their spontaneous factions were correspondingly constituted. Curtis had given uniform evidence of his dominant characteristics: He had organized locally the Young Men's Christian Association, was Superintendent of the Presbyterian Sunday School and had been, since his teens, an acknowledged leader in all eleemosynary and evangelical movements. Phil Herndon had pronounced his piety too much of a business to be purely of un-

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worldly origin, but Phil Herndon was the town's licentiate in animadversion, and his comments were utterly futile among those in whose esteem Curtis had established himself,—successful men whose social and commercial weight availed him more than the *vis humana* of twice as many thriftless free hearts or nimble wits.

Roger on the other hand was nowise a frequenter of conventional grounds of approbation. Before he was sixteen, indeed, he had established a very positive independence, even of those criterions of his own order which, being most arbitrary,are necessarily most imperative: Conceiving an impulsive admiration for David Menzies, the son of his tutor, he distinguished him with extravagant marks of friendship. The misassociation might have been ignored, but the blazoning of it was not to be tolerated, and the self-appointed censors of "The Connection" decided upon a rigorous discountenancing of the Menzies boy. Thereupon, however, the native masterhood of the young patrician took such startling effect in summary counter-proscriptions that the decree against his friend was incontinently withdrawn, while Mrs. Rogers smiled over the affair, in a way that scarcely augured any special reprobation of her nephew-in-law.

The vivid personality thus foretokened had developed truly. His intuitions were still punctual and his pursuance of them unconditional. His character seemed en rapport with the sheer human that subsists in everyone: He had "the faculty of bringing out the best in people." The disinterested were his emphatic friends; and he had no explicit enemies, though there were some, local personages defining themselves as conservatives, in whom grave apprehensions arose when they considered the possibility of his getting hold of the vast Rogers property to give effect to his erratic impulses and notions. They couldn't help liking the boy, but Heaven only knew what mischievous absurdities he would be capable of with such means at his command! Even these, however,—Curtis' most pronounced partisans of the day before—sincerely deplored the non-appearance of the will.

During the night a rumor hovered about the town that Judge Mackenzie was not really dead, and The Gratton Microcosm of the next morning said:

"At 5:30 last evening Judge Mackenzie was found pros-

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trate on his office floor, and a hasty inference that he was dead was put into circulation. He was in a profound comatose state, but, even before the arrival of Dr. Hayden, it had been ascertained that he breathed. He was promptly removed to his home, where he has had unremitted medical attention in the meantime. At 1:20 a. m., the family physician furnished our representative with the following bulletin:

"'Coma persists. Cause apoplectic. No evidence of traumatism, though stroke has probably been aggravated by cranial vibration incident to fall. Prognosis grave. HENRY ASHBY.'

"The report of the non-discovery of the will of Mrs. Rogers, believed to be in Judge Mackenzie's possession, was unfortunately true; but the associated rumor of a criminal element in the tragedy, seems to have been entirely groundless. The foregoing statement of the physician in attendance and the fact that Judge Mackenzie's safe was found securely closed, should set it at rest."

The paper proceeded, evidently paraphrasing Col. Duncan, to suggest the possibility that no such will existed, but this surmise was still without sedative effect on the prevailing excitement, and before noon it had been entirely confuted by the statement of Andrew Beckman, the manager of Mrs. Roger's home farm, that he, together with Ben Chaplin, of Lawton, had witnessed her signature to her will and delivery of the paper to Judge Mackenzie. He knew nothing, however, of the purport of the instrument.

The Judge's condition was unchanged that day. Complete unconsciousness continued likewise during the next—which was Sunday. The physicians reported an approximation of the normal in pulse, temperature, and respiration, but did not construe this as an augury of recovery. The monotony even of high tension began to tell on the people—"to the same dull effect that ordinary everyday monotony produces"—as Phil Herndon said. The public attention wandered. An unusual share of it was given to the not-at-all-unusual arrival of Senator Garrard and his brief visit to his sister, Mrs. Curtis; and Mrs Rogers' funeral engrossed it for hours.

Monday morning the doctors still reported no material change in their patient.

During the day, it transpired that application would be made to the County Court at its next term, a week later, for administration of the Rogers' estate; and there was some wild

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comment, but this soon subsided into the conclusion, that, under the circumstances, an administrator could scarcely be dispensed with.

Late in the day, there was an "unofficial" report that Judge Mackenzie had regained consciousness; but the physicians divulged nothing that night.

Their bulletin, in The Microcosm next morning, was:

"After 10:00 a. m. yesterday, Judge Mackenzie rallied slowly from prolonged coma. Reflexes restored during afternoon, with transient excitability. Eyes responded to light and semi-consciousness was evinced about nightfall. Dextral hemiplegia indicated but residual symptoms not clearly defined. At midnight, patient, when addressed, made evident effort to reply. Phonation inarticulate. Nourishment administered at 12:25 a. m. Sleep, seemingly natural, succeeded and continues at 1:50 a. m. Apparent condition not ominous, but favorable prognosis unassured."

About 9 o'clock, a manuscript bulletin appeared in the window of the Microcosm office:

"Judge Mackenzie awoke at 8:30 a. m. Consciousness restored. Hemiplegia and complete aphasia, probably permanent, exist. Functions otherwise apparently normal. Prognostics of fatal termination eliminated."

Then Phil Herndon issued a bulletin,—concluding the series:

"Inadequacy of supply to demand for dictionaries paralleled only in the case of umbrellas during a rainstorm. Prognosis, endemic cacoepia sesquipedaliana."

A decided relaxation of the public mind—deferred slightly during recourse, no doubt, to the imputed dictionaries—ensued.

Developments were slower for the next few days. David Menzies, now official stenographer of the Court of Common Pleas in the state metropolis, was in town. He was a great favorite with the old Judge and had been allowed to visit him. Two days later, he was seen coming from the Mackenzie home, bearing in his hand a case somewhat like the polished wood cap of a sewing machine, and, in his countenance, such an appalled expression, that it was immediately construed and promulgated as news of a fatal relapse on the part of the patient. When questioned on the subject, however, two or three hours afterwards, David declared that the Judge was better than he had been since the attack and good for a number of years yet, and—some important work.

Gossip was current Saturday to the effect that the appointment of an administrator would be contested,—with vague intimations of unimaginable developments.

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Next day an unknown young man appeared at church. It was learned that he was the celebrated Dr. Pryor, of New York, and an impression got abroad that he was to perform some miracle of modern surgery in Judge Mackenzie's case.

The court room was thronged Monday morning, when Judge Morton took the bench. Senator Garrard sat with the members of the bar and was, of course, recognized first in the call for motions. He asked that Mr. R. G. Curtis, the nearest relative and sole heir of the decedent, be appointed administrator of the estate of Mrs. Virginia Rogers.

Garrard Curtis sat beside him, evincing, in countenance and attitude, an unwonted constraint.

"No wonder," whispered Phil Herndon, in the audience, "A fellow that has just caught Fortune by the feathers, doesn't dare even to think hard—especially such thoughts as are lurking in his head just now about the Rogers two millions. I'll bet he hasn't an eleemosynary scheme about him, even for luck."

The Senator's tone was so assured—he treated his motion as such a finality, almost perfunctorily—that there was a distinct sensation, despite the general presage of extraordinary issues, when Col. Duncan arose and quietly suggested that consideration of Senator Garrard's motion might prove fruitless, since he himself, was about to ask probate of the last will and testament of Mrs. Rogers.

"The application for probate of course obviates the question of administration," said the Judge, "Do you wish to present the will at once?"

"We will prove the execution first, if the Court will set an hour," replied Col. Duncan.

When the case was reached on the docket, Judge Morton said:

"Now Col. Duncan, I will hear you. Are you ready to offer the will?"

"We have not the instrument itself, your Honor, but propose to prove it."

"Has it been lost?"

"It is missing. We may not be able to show whether it has been destroyed or merely suppressed, but we can, if necessary, show by whom it was removed from the proper custody."

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Garrard Curtis whispered to Senator Garrard and the latter arose.

"In a proceeding so extraordinary," he said slowly, "it is due my client, as primarily the chief party in interest and the one whose interest cannot be effected otherwise than adversely by the establishment of a will, that time be given him to meet such evidence as may be produced here. I ask continuance of the matter till the next term of the Court or at least an adjournment for one week."

"There are imperative reasons, your Honor," said Col. Duncan, "For immediate development of our evidence. The least delay may extinguish the most essential parts of it and defeat entirely the purpose of the testatrix. The only witness of the will in its legal entirety, is in a condition so precarious that we cannot count upon his testimony even a week hence."

Continuance was denied, the Judge saying, "The interest of the heir-at-law is not irretrievable. The Circuit Court is not restricted in reviewing probate, to the evidence adduced here."

Ben Chaplin and Andrew Beckman were then called successively and testified, that on the 9th of May of the previous year, they had, at the request of Mrs. Rogers, gone to her house, and, in her library, had subscribed, as witnesses of her signature thereto, a paper which she had declared to be her will, and, in their presence, had delivered to Judge Mackenzie, asking him to keep it in his safe until it should be needed. They knew nothing of its contents or subsequent history.

Col. Duncan stated under oath, that since Mrs. Rogers' death, he had searched thoroughly the safe in which, as he learned from Judge Mackenzie, the will had been kept, and that the instrument was not there.

"Call Judge Mackenzie," he then requested.

During the next few minutes, while the deputy sheriff's voice resounded in the hall, and the Court waited, there was an irrepressible buzz of excited comment in the audience. Was it possible that the great surgeon had restored the lost speech? Was that what Col. Duncan meant when he said Judge Mackenzie had told him Mrs. Rogers' will was kept in the safe? He had told Sam Tracey he did not really know there had been such a will. Something wonderful must have happened.

The spring doors were held open by the sheriff and a by-

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stander and Sam Tracey and David Menzies came in, bearing between them an invalid's chair, in which sat the next witness.

The well-known, clean-shaven face, with unabated eyes, was the salient feature of the entering group. Nothing the matter there, it seemed to the spectator, except, perhaps, a little inequality of the muscular tension of the two sides, and that might be due to the peculiar interference of the right arm with his expression: This member was drawn up fixedly against the breast, the wrist dropped and the first two joints of each finger flexed with a strange claw-like effect, while the face was slightly inclined, as if with a sort of solicitude, toward that side.

While the bearers were placing the chair, Senator Garrard walked up to the bench and beckoned Col. Duncan.

"I don't wish to hurt Judge Mackenzie's feelings," he said in an undertone, "But we must make the objection of incompetency in his case."

"Doesn't the sensitiveness you apprehend, imply the competency?" Col Duncan asked lightly.

"Both are at least questionable," was the retort, "and it lies with you to establish the competency. The presumption of impaired capacity is certainly as strong in the case of an asphasiac as in that of a deaf mute."

"We admit the onus, your Honor," said the Colonel, stepping back and speaking with an unsubdued voice. "There is no need for asides in the matter. On the question of Judge Mackenzie's competency, we are equally ready to offer primary evidence in the person of the witness or the usual secondary evidence, known as expert testimony, as the Court may prefer."

Judge Mackenzie laughed. Nearly every man present knew that laughter. It was startlingly familiar under the circumstances, and still stranger seemed the fact that the instant of mirth did away, in his face, with every trace of his affliction.

Judge Morton saw this and said:

"The Court is inclined to take the primary evidence."

Col. Duncan smiled. "Will you question the subject?"

"Yes," said the Court. "Judge Mackenzie, this is a question,'" the Court obviously hesitated, "on which not only your personal consciousness but your judicial experience will enable you to advise me decisively. You understand the objection—the question?"

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Two expert stenographers awaited the answer, intently purposing precision in the unique "take," but the strange utterance of the witness overtaxed even the phonographic alphabet used by one of them. He struggled on to the end, catching what he could, but there were several hiatuses, which have been, perhaps imperfectly supplied in the version given here. The sounds produced were seemingly words,—undoubtedly articulate in a way,—but our supply of consonants proves to be peculiarly unavailable for the purpose of representing them exactly.

"Oodi," said the witness, "Airsh skizapha, stume-ted thi-o zessuineege, kilethe 'dna, wall-ta erogitack ethe-d'nime nid' nowsenuth va; jasuth tub, stoark errówny, methsvig tifinebeth layeedorva." The speaker smiled. "D'nowfsi tisseln-nut tath sentiwith d'natsered nuttonnack, dowla zi-ee hyphit-settote."

While he spoke a slight discrepancy between the movements of the right and left sides of his face, was perceptible—a certain tardiness on the right, that disappeared when he smiled.

Judge Morton's expression comprised disappointment, perplexity and amazement, in doubtful conflict with the proprieties of the judicial countenance.

"I certainly cannot say that Judge Mackenzie does not understand the matter; but it has been painfully obvious that the Court cannot understand him," he said, "I trust that you propose to furnish an interpreter, Col. Duncan."

"We will furnish a translation, if the Court please,—exact and unimpeachable," Col Duncan replied. "I have allowed Judge Mackenzie to speak thus far uninterrupted by the process of translation in order that the Court might perceive the attributes of language exhibited in his utterance."

"I suggest that the expert testimony is in order to put that matter properly before the Court," interposed Senator Garrard.

"It will not prove eventually necessary, but it will expedite matters, if Senator Garrard is disposed to retard the truth," Col. Duncan retorted.

"Not to retard—only to make sure of it," his adversary replied blandly.

"Call Dr. Elliot N. Pryor, please," the Colonel said to the deputy sheriff. "He will give us the scientific rationale."

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The young celebrity took the stand and testified rapidly.

"I have examined Judge Mackenzie; the functional symptoms in his case are quite distinct, and they immediately defined the field of causation very closely. They all come of cerebral injury restricted entirely to the motor area. The sensory region reports everything in good order. His intelligence is not impaired. It is simply sequestrated by a derangement in the machinery of communication. The right hemiplegia has is cause among the motor-centers on the left, probably in a hemorrhage from some branch of the middle meningeal artery. It is not at all extraordinary. The significant symptom is the aphasia—or more precisely, the paraphasia. Aphasia is frequently associated with hemiplegia, originates in various lesions, and, so, is of various kinds. It has been noted, whenever recognizable sounds were produced, that there was a tendency to transpose syllables and words. The important characteristic in this instance, is the perfect inversion of the sound-elements in each speech impulse. In most cases the tendency is modified in its effect, by one or the other or both of two complications: The word sensory is involved in the injury and the verbal forms mutilated; or the rudimentary speech-center of the right hemisphere, responding to the intellectual requisition, interlards the utterance with correctly-spoken words of low propositional value and phonal simplicity. Here, however, the vocal product is an exact countertype or negative of the verbal idea.

"Such a result might, perhaps, be accounted for on several hypotheses, differing as to the conditions but not essentially as to the process: but Judge Mackenzie's symptoms restrict us conclusively to one. Three cortical centres are engaged in the projection of the speech-impulse, the superior frontal that forms the idea, the word-sensory that furnishes the word-images and the speech-motor that conveys the expression to the vocal organs. Associative nerve-fibres connect each of these with the other two; and ordinarily the word-sensory imparts the requisite verbal forms directly to the speech center, a negative impression is taken there, and from it the positive is redeveloped to be issued in actual speech. The process is closely analogous to that of photography. Now, it—as is indicated in this case—the associative fibre between the word-sensory and the speech-motor

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has been destroyed, it becomes necessary to transmit word-images by way of the superior frontal or intellectual center itself: A negative—to use the same figure—is taken there; a negative-negative—or positive—is received thence by the speech-motor and from that, of course, another negative—instead of the positive—is developed for vocal production."

"The method of translation proposed here, requires simply an artificial repetition of what is done normally at the speech-center and, under paraphasic conditions, at the intellectual center,—as I have described it. A negative or inverted impress is taken of Judge Mackenzie's inverted or negative language and the positive or original diction is thus restored. I have witnessed the successful performance of this operation."

"Is there any parallel case of record, Dr. Pryor?" Senator Garrard asked.

"There are cases that appear to be almost exactly parallel, though not identical," the Doctor answered. "For instance, the Florentine genius, Leoanardo de Vinci, was at one time deprived of his accustomed means of expression by an affection seemingly similar to Judge Mackenzie's, but wrote a book, nevertheless, using his left hand. His writing, however, was unintelligible, until translated by a mirror.

"The parallelism is exact as to the method of translation required, but it is slightly defective in that the writing, produced under the continuous impulse necessary to the inchoate motors of the right hemisphere, was inverted throughout, while in Judge Mackenzie's speech the inversion occurs, not continuously, nor syllable by syllable nor word by word, but impulse by impulse, and his speech-impulses are, of course, measured by his ideas and comprise usually several words. The analogy would have been perfect, if the Florentine had begun at the left of the page, instead of the right, putting down there his inverted script of the first three words, say,—the next four or five following in their reversed order, and so on. It should be noted, however, in connection with this comparison, that the movements of the right and left hands are instinctively reciprocal.

"It is proper for me to add," said the Doctor, "That even when the sound-elements in Judge Mackenzie's utterance have been artificially righted, it is still necessary to transpose the words in each speech impulse. This is not difficult and the

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accuracy of the resulting version can be tested absolutely by reading it to him for assent or dissent, for which signs may readily be established?"

"What signs can be established?"

"Inarticulate musical notes, pure vowel sounds, or syllables of perfect phonal symmetry,—all of which he can vocalize correctly—might be chosen and, under direction, used by him to express affirmation and negation. 'No,' itself, as he produces it, could be recognized after one or two trials, but 'Yes,' would be more difficult."

"Why, in your opinion, is Judge Mackenzie exempt from the interference with his utterance that you have said usually comes from the right hemisphere of the brain?" the Senator asked, as the witness was leaving the stand.

"It is because of the exceptionally high development of his powers of expression. Only the centers on that side of the brain in actual service conform to such special development of the faculties, and the higher this is, the more complete the subordination—the more lasting the abeyance, of the corresponding centers of the opposite hemisphere. There has as yet been no such interference in his case, but this condition is probably temporary. If the present cause of aphasia prove permanent, a compensatory development on the right will undoubtedly occur, when his system rallies from the general effect of his injury. In that contingency, there would be a confusion of speech, which would render translation very difficult."

Senator Garrard contended for an opportunity of introducing evidence of the consensus of pathologists, that aphasia is presumptively a symptom of impaired intelligence.

"Such evidence would be entirely nugatory," said Judge Morton. "We have proceeded on that presumption, and I am convinced of Judge Mackenzie's competency, but if there be any impairment, it will undoubtedly have its full effect upon the intrinsic efficacy of his testimony. He will be heard."

The oath was administered to the witness, and to David Menzies as interpreter. Lifting from the floor beside him, the polished oaken case, noticed in his possession a few days before, David opened it and placed on the table which was part of the invalid's chair, what was recognized by a few as a graphophone. The long trumpet-like attachment—or fun-

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nel—was brought near the lips of the witness, and Col. Duncan asked, "Judge Mackenzie, were you the custodian of the last will and testment of Mrs. Virginia Rogers?"

David Menzies touched a little lever and those nearest saw that the machine was in motion. The witness pronounced into the funnel what sounded like

"Zahwai."

Another touch stopped the silent motion; the operator rapidly removed, reversed and replaced the cylinder, exchanged recorder for reproducer—though so far as the uninitiated could discern, they were identical,—and put his own ear to the aperture at which Judge Mackenzie had spoken. The motion recommenced, and after listening for a few seconds—during which an odd miniature of a voice was heard for a moment by the others near—the interpreter said,

"The answer is, 'I was.'"

"When was this will executed, Judge Mackenzie?" Col. Duncan proceeded.

The graphophone was readjusted and the witness communicated to it what the stenographers made out to be

"Th' ninethe aim, skiss—itnine—neetay."

Judge Morton, who had stepped down from the bench, said,

"Let me hear that answer."

"It is '1896—May the 9th,'" he announced, when the instrument had spoken. "Will you listen to it, Senator?"

"No, your Honor. If the machine should make some material statement, I may claim the privilege."

"Was this will in your possession at the time of Mrs. Rogers' death?" asked Col. Duncan, continuing the examination.

The stenographer could not catch the exact sound— a sibilant monosyllable, like "Say," it seemed—but David soon rendered it as

"Yes."

"Did you see it after that time?"

"I did," Judge Mackenzie replied. He spoke to the graphophone, but there was no need of its intervention this time. There was a slightly excessive pause between the words, but otherwise—in enunciation and inflection—his utterance seemed perfectly normal; and of course, under such circumstances, the natural and familiar caused greater astonishment than the preceding prodigies.

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"How do you account for that symptom, Doctor?" asked Judge Morton, "Is it an interpolation from the right hemisphere?"

"No," Dr. Pryor replied, "I have already accounted for it. Judge Mackenzie has simply used a pure vowel sound and a monosyllable of perfect phonal symmetry,—in two speech-impulses."

"If you can, Judge Mackenzie, please state, precisely or substantially, the provisions of that will," pursued Col. Duncan.

"I object to the question," interposed Senator Garrard.

"On what grounds?" asked Judge Morton,

"The propounders have avowed knowledge as to who got the alleged will from Judge Mackenzie, and until it is shown that this possessor, at least, has been properly notified to produce the document here, testimony as to its contents is clearly incompetent."

"I can serve that notice now!" exclaimed Col. Duncan, turning towards his adversary. "We demand that—"

He stopped suddenly and blankly.

"Col. Duncan probably recalls," said Senator Garrard, with aggravated blandness, "That such a notice cannot be served after the trial has commenced."

"No," said the Colonel, recovering his faculties but not his light humor. "I was merely astonished to find that the abstractor of the will, after carrying audacity so far as he has, should have absconded. The notice, however, will not be necessary, your Honor, since we will show that the instrument was obtained by fraud and violence."

This demonstration directed the attention of the audience, and it was seen that Garrard Curtis had left his place beside his uncle's chair. He was not to be discovered in the court-room. Suddenly, in the momentary lull following the subsidence of the crowd from its ocular search for him, a voice shot out of the midst of it.

"Look at the paper he left on the table, Senator—there by your hat!"

"Order in the Court!" shouted the deputy sheriff, but his real attention, like that of every one else, was fixed on Senator Garrard and the designated paper.

The Senator tried obviously to dissemble all notice of the disorderly suggestion, but those who could see his face, saw

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his eyes pounce upon the document in a chocolate-colored wrapper lying beside his hat and startle with perception of the white paper, like a folded note, that lay upon it.

"Shall Judge Mackenzie answer my question, your Honor?" asked Col. Duncan.

"Yes," said Judge Morton, scarcely getting his eyes away from the tableau on the other side.

David Menzies touched the lever again, starting the silent motion of the graphophone, and Judge Mackenzie spoke more at length than he had yet spoken during the examination, but the stenographers—even their attention distracted somewhat, perhaps, by the unfinished incident of the mysterious document,—failed to get a coherent record of the unfamiliar sounds.

Then the cylinder was quickly reversed, reproducer substituted for recorder, and David listening at he funnel, took stenographic notes from which, after a little while, he began to read the translation:

"The will contained but two provisions. I remember their purport perfectly and can repeat precisely the language of bequest and devise.

"The first was:

" 'To my nephew, Garrard Curtis,in consideration of his natural and uncorrected expectation and upon condition of his becoming, and continuing to be, a non-resident of this State, I bequeath twenty bonds of the United States of America of the aggregate face value of Two Hundred Thousand Dollars, which bonds are deposited in the American National Bank of'....."

An inarticuate cry from Judge Mackenzie interrupted the rendering of his own testimony. His eyes bore manifestly and intensely upon Senator Garrard.

"Liwith! Liwith!" he cried.

Col. Duncan comprehended the situation at a glance. Turning toward his distinguished adversary, he said,

"We demand, Senator Garrard, the production of the will of Mrs. Rogers—which you now hold in your hand."

Immediately upon the resumption of the graphophonic work, Senator Garrard had reached over and picked up the papers to which his attention had been sensationally called. He had slowly unfolded and apparently read the white one and then, just as David Menzies was about to deliver the in-

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terpretation of Judge Mackenzie's last answer, had opened the chocolate-colored folder, and seemed to be at once reading and listening, when interrupted by the witness himself. Now he arose, evidently under painful constraint, and said,

"I have just received from my client in this matter, directions to file for probate this paper, which purports to be, and I suppose is, the will of Mrs. Rogers. He makes a further request, which I prefer, if your Honor please, to convey to the Court in his own words—and hand."

He handed both papers to the clerk, who read the white one aloud:

"Please file will and claim legacy for me. I shall fulfill condition at once. Garrard Curtis."

At Col. Duncan's instance, the instrument was compared with David Menzies notes of Judge Mackenzie's statement. The clauses quoted by the witness were found to be verbally identical with the writing. The second of these was:

"To Roger Wallace, the nephew and heir-at-law of my beloved husband, from whom I have derived all that I possess and whose virtual trustee I consider myself, I bequeath and devise the residue of my property of all kinds, whatsoever and wheresoever it may be. In my drawer, in the vault of the Bank of Gratton, there will be found a letter for him, in which I make certain requests and suggestions, but these express merely my wishes and notions, which I am confident he will be glad to know and will give such consideration as the conditions existing when he reads them may make proper. Above all, I wish him—not only as the rightful heir of the property, but as one whom I have found worthy of all confidence—to be entirely unconstrained in possession and use of his uncle's fortune."

Date, signature and attests were as stated by the several witnesses. The formal clauses were irrefragable.

Let the will be admitted to record," said Judge Morton.

It transpired that when David Menzies had first visited Judge Mackenzie during his illness, the old man had seemed to forget his disability and addressed to his young friend an almost continuous effusion of the outlandish sounds he made; and that as David listened, the attention of kindly courtesy had been suddenly converted into that of intense interest. He recognized the strange language to which he had listened for the first

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time a few days before, from a cylinder accidentally reversed in his graphophone.

It seemed now, however, that, in the interest of the Chorus, all the wonderful consequences of this discovery had been superseded by the unsolved wonder of Garrard Curtis' conduct; not that they marveled especially over the criminal import of it, but that they could not conceive how he had come to preserve the will.

"The most thoroughly characteristic of his actions," declared Phil Herndon, when he heard the moot enigma. "As long as Judge Mackenzie lived,—so long, at any rate as there was the least possibility that his knowledge might develop into evidence, it was a necessity of Curtis' nature that he should preserve that will. It was, of course, axiomatic to his pious mind, that, if proof of the contents of the missing instrument should ever depend solely on the testimony of the man from whom he had obtained it by fraud and violence, as Col. Duncan said, the provision in his favor would still be missing. He neglected no chance of getting the whole pile, but he provided carefully for just the contingency in which he supposed he was acting today. There's Col. Duncan now! I have a law point for him. Hold on a minute, Colonel! Were Mackenzie & Duncan responsible for that will?"

"The senior member was," said the Colonel, "But I should be very glad to claim it. It is said there never was a perfect will, but I confess I have not seen the defect in that. What is it? You evidently impute one—or more."

"Oh! yes; it doesn't break the rule. Didn't you see that the banishment is entirely inoperative? Just a scare-crow that only a fool among crows would mind?"

"No, I did not," declared the Colonel. "I think he would, without doubt, forfeit the legacy if he once violated the condition."

"Of course he would!" mocked Herndon. "And then he would straightway inherit as heir-at-law whatever he forfeited as legatee. There would be all the vital difference that exists between Tweedledum and Tweedledee. Have you forgotten that forfeited bequests do not fall into the residue?"

"That's so!" the Colonel admitted. "But still there would be no actual difference as the case stands. He has banished himself very effectually, Phil," he continued as they walked away together.

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"What was it he really did?" asked Herndon.

"He came to the office upon the pretext of consulting the Judge as to whether he ought not to assume at once the direction, for the time being at least, of Mrs. Rogers' affairs. The old man advised him, of course, to wait till county court day, and to evade him left the office and started home; but remembering that he had only closed his safe without locking it, he returned, and found Curtis reading the will. You know what was sure to ensue on the Judge's part. Then,—I suppose the fellow was really crazy with disappointment and rage, perhaps with some shame—he struck the old man on the head with a volume of the Digest; and thereupon, it seems, recovered his senses thoroughly. He certainly did his best, at any rate, to take every advantage of the situation. If a knave were not essentially a fool—and especially destitute of the sense of character—this one might have gotten into a position to achieve much evil, at least for Gratton. Perhaps not, for the most remarkable thing in the whole business, Phil, is the multiplying proof, that, with all her gettings, Mrs. Rogers got understanding."

"Humph!" said Phil. "She might have gotten enough more on that subject from me, to have put her two hundred thousand dollars to better use."

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THE PSYCHOLOGICAL SECTION OF THE MEDICO-LEGAL SOCIETY.

This Section will meet early in the autumn, and devote an evening to its work, under the supervision of its Standing Committee on Experimental Psychology and Psychical Research, of which Dr. Geo. W. Grover is chairman.

This committee embraces the following names, besides the chairman:

Prof. Harlow Gale, of Minneapolis, Minn.; Prof. E. T. Eskridge, M. D., of Denver, Colorado; Prof. W. Xavier Sudduth, of Chicago; Judge Abram H. Daily, of Brooklyn; Clark Bell, Esq., of New York; Albert Bach, Esq., of New York; J. Mount Bleyer, M. D., of New York and G. W. Smith, Esq., of New York City.

Formal notice will be sent the members of the session.

Dr. Grover proposes to open, at this meeting, an interesting field of inquiry and study, for the coming winter, for the committee of which he is chairman, and to interest a large number of students of the science besides those now on the roll of members. There is a large field for study before this Committee, and the interest in this department is constantly increasing.

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MEDICO-LEGAL SURGERY.

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To Railway Surgeons and Railway Counsel:

We take occasion to advise you to unite with the Section of Medico-Legal Surgery, which can now be done by an annual subscription of $1.50, entitling each member to the *Medico-Legal Journal* free.

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Members of the Section on Medical-Legal Surgery who have not remitted their annual subscription to the Section, will please send same to Judge Wm. H. Francis, No. 39 Broadway, N. Y., and members will please not confound the Section Dues with the Annual Dues of the Society, which should be remitted to Dr. Thomas Darlington, Treasurer, Kingsbridge, New York City, or to the Secretaries Members of the Society or Section will please propose names for membership in this Section.

It is proposed that members of the Society and Section each donate one bound volume annually to the Library of the Medico-Legal Society, by action of the Executive Committee.

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MEDICO-LEGAL SURGERY.

SECTION OF MEDICO-LEGAL SURGERY.

There will be a joint session of the Section of Medico Legal Surgery, with the Medico-Legal Society, on the third Wednesday of November, 1899. The Society of the Section will meet at dinner—of which due notice will be given to all the members of the Society and of the Section. The work of the evening will be devoted to the subject of Medico-Legal Surgery. All officers and members of the Section and of the Society are invited to contribute papers to be read on that occasion, and to send to Clark Bell, Esq., Chairman of the Section, the titles of the papers they will contribute for the Section work. These are desired early so as to arrange a programme in advance, and provide for the suitable discussion of the papers.

THE NEW YORK STATE ASSOCIATION OF RAILWAY SURGERY.

This body will hold its Annual Meeting at the City of New York on the 16th day of November, 1899, and an attractive programme will be presented. We shall endeavor to present a resume of its work in our next number.

RAILWAY SURGERY AT THE PARIS CONGRESS IN 1900.

There is a movement on foot to bring this subject before the International Medical Congress, at Paris in 1900.

Whether it will be presented by the Auxilliary Committee under the Section of Medical Jurisprudence, of which Prof. Brouardel is President, or under the several Sections of Surgery or Sub-sections we do not know as we go to press.

Clark Bell, Esq., is Chairman of the Section of Medico-Legal Surgery of the Medico-Legal Society, and will present a paper

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to the International Medical Congress of 1900 entitled "Railway Surgery in America."

Surgeon George Chaffee, M. D., Ex-President of the New York State Association of Railway Surgeons, will present a paper entitled "The Work of the New York State Association of Railway Surgeons."

The officers and members of the Section of Medico-Legal Surgery, who are willing to contribute articles on any topic germane to the work of the Section for the Paris Congress of 1900, are requested to forward their names and the title of the paper to Clark Bell, Esq., Chairman of the Section of Medico-Legal Surgery.

The authors can have till February, 1900, to compile their papers, but the titles should be furnished now.

The next number of this Journal will contain additional intelligence upon this subject.

GUNSHOT WOUNDS OF THE ABDOMEN.

Colonel Stevenson, R. A. M. C., of Netley, opened the discussion of this subject, before the Section on Surgery of the British Medical Association, under the Presidency of Turgus H. T. Butler. His remarks are quoted at length in the London Lancet of August 12, 1899, and we greatly regret that want of space prevents their insertion here.

Dr. Ward Cousins, the President of the Association of Portsmouth; Dr. A. Barry Blacker, (London); Major W. C. Beavor, R. A. M. C.; Surgeons, Danner Harrison, of Liverpool; Clement Lucas, (London); J. Paul Bush, (Clifton); Dr. James Murphy, (Sunderland), and Surgeon-General T. F. O. Duer took part in the discussion. (*Vide* London Lancet, August 12, 1899.)

RAILWAY SURGERY.

The Section on Medico-Legal Surgery of the Medico-Legal Society will meet in Joint Session with the Medico-Legal Society at dinner on the third Wednesday of November, 1899, at the Hotel St. Andrew, 72nd Street and Grand Boulevard at 7 P. M. sharp. The Medico-Legal Society will meet first for the despatch of routine business.

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The Section will then convene under the Chairmanship of Clark Bell, Esq., Chairman of the Section. The following papers will be read:

1. By G. P. Conn, M. D., Chief Surgeon of the Boston and Maine Railway, entitled "Progress of Hygiene and Medico-Legal Surgery."

2. Paper by Albert Bach, Esq., entitled "A Few Suggestions in Railway Surgery."

3. Paper by Andrew J. Hirschl, of the Chicago Bar, entitled "Dying Declarations.

The members of the State Association of Railway Surgeons, which meet on the 16th of November, are invited to unite in the dinner, attend the meeting, and take part in the discussion.

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TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

JUNE MEETING, June 21, 1899.

President Albert Bach, Esq., in the chair. Clark Bell, Esq , Secretary, and M. Ellinger, Esq., Corresponding Secretary.

The minutes of May meeting were read and approved.

The following were on the recommendation of the Executive Committee elected members of the society:

ACTIVE MEMBERS.—Proposed by Clark Bell, Esq: Hon. John R. Nicholson, Chancelor of Delaware, Dover, Del.; Samuel D. Davies, Esq., Counsellor-at-Law, Richmond, Va.; John G. Williams, Esq , Clerk Circuit Court, Elkton, Md.; George T. Edenharter, M. D., Superintendent State Hospital jor Insane, Indianapolis, Ind.; James W. Babcock, M D., Superintendent State Hospital for Insane, Columbia, S. C.; Edgar J. Spratling. M. D., New York City, and Ira W. Porter, M. D., No. 316 Sheeley Block, Omaha, Nebraska.

Proposed by Professor W. B. McVey: Alexander T. Walker, M. D., Falmouth, Mass.

Proposed by Albert Bach, Esq: Maurice Blumenthal, Assistant District Attorney, New York City.

CORRESPONDING MEMBERS.—Proposed by Clark Bell, Esq: Prof. R. C. Kedzie, Chemical Department Agricultural College, Lansing, Mich.

M. Ellinger, Esq., read the paper of the evening on "Christian Science and the Law." (*Vide* September number Journal.)

The paper was discussed by the following: In support of Mr. Ellinger's paper, by Howard Ellis, Esq , of the Bar of New York; Senior Antonio Martin Rivero, Esq , of the Bar of Havana, Cuba, and Otto Keemper, Esq., of New York.

In opposition a paper by Carol Norton, C. S. D., was read in the absence of the author by Mr. Stanley Burger, which appears in the columns of the Mdico-Legal Journal.

Mr. John Carroll Lathrop spoke in opposition to Mr. Ellinger's views. His remarks are in the September Journal.

H. Gerard Chapin, Esq., of the Bar of New York City, read a paper. (*Vide* September number Journal.)

W. A. Simmons, Esq., of the Bar of New York City, spoke.

Judge Junkel, of Havana, was called upon and apologized for not uniting in the discussion.

M. Ellinger moved the adoption of the following resolution at the close of the debate, which was seconded by Mr. Bell and unanimously adopted:

"That a committee be named by the Chair, to whom the subject of 'Christian Science and the Law' be referred, with power to make such recommendations as to appropriate legislation as they should deem advisable."

The chair said he would announce the committee later.

The following committee was subsequently appointed by the President:

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Moritz Ellinger, Esq., chairman; Clark Bell, Esq., Howard Ellis, Esq., H. Gerald Chapin, Esq., LL. B., Hon. Rastus S. Ransom, Judge Abram H. Dailey, and H. W. Mitchell, Esq.

The report of the delegates of the society to the Paris International Congress on the Abuse of Alcoholic Drinks was then made by Charles D. Shepard, M. D., which was ordered placed on file and printed in the Journal.

The chairman of the Maybrick Memorial Committee reported the progress of the work of the committee. The report was read and ordered filed and printed.

The secretary introduced Fidel G. Pierra, a member of this society, who has just landed from Cuba, as chairman of a committee representing the holders of mortgages on the Island of Cuba.

Mr. Pierra had been delegated to act for the formation of an auxilliary society in Cuba, spoke—

1. Explaining the unsettled condition of affairs at present existing in Cuba as a reason why present action looking towards the establishment of a branch society there was now impossible and would have to be defered until later.

2. On the present social, political and financial status of the island, and the work of progress made by the Government of the United States in establishing government under the military rule. The speaker had visited Washington as chairman of a commission of Cubans representing the mortgage creditors of the island to the Government, composed as follows: Fidel G. Pierra, chairman; Dr. Ignacio Remirez, Dr. Emilo del Junco, Mr. Aguilins Ordonez and Dr. Pedro Galbia.

The Secretary announced the death of the following prominent members of the Society: Dr. Norman Kerr, of London; Dr. W. W. Godding, late Supt. Govt. Insane Hospital, Washington, D. C.; Auguste Voisin, of Paris, France; Dr. John B. Hamilton, of Chicago; Dr. Jabez Hogg, of London; Dr J. D. Moncure, Supt. of Insane Hospital, Va.; Dr. L. A. Tourtellot, late supt. of Utica, New York, and Hull Fanton, Esq., of Montour Falls, New York.

Mr. Clark Bell spoke as to the great loss the society and the scientific world had sustained in the loss of Dr. Norman Kerr, of London, one of the Vice Presidents of the Medico-Legal Congress held in this country in 1889, 1893 and 1895, and one of the associate editors of the Medico-Legal Journal. He read a sketch contributed by Dr. T. D. Crothers, to the memory of Dr. Norman Kerr, as follows:

Dr. Norman Kerr died May 30th, at Hastings, England, of Bright's disease. He had been an invalid only a few months and continued in active practice up to his departure from London to Hastings. He was 66 years of age, was educated at Glasgow and spent most of his professional life in London.

He was the most widely known authority in the world on inebriety, and one of the most active promoters of the facts of the disease and curability of inebriety. He was the author of a medical text book on inebriety which has already passed through three editions. He also wrote a book on "Wines, Scriptural and Ecclesiastical" which was the centre of much controversy and considered a very valuable work.

Dr. Kerr has been a very voluminous writer and lecturer on all phases of inebriety. He was president of the International Congress for the study of inebriety in 1886, in London, and president of the society for the

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study of inebriety, and many other societies both in this country and Europe.

Dr. Kerr was a clear, graphic writer and scientific student whose researches were broad and conservative, always supported by a large array of facts, that were conclusive. His influence was more powerful than any other man in Europe in changing public sentiment regarding inebriety. His researches awakened new interests among the medical profession, and roused inquiry which has literally created a new department of study in the field of Psychicatory. He will be remembered as the great pioneer worker and leader in this new field of research. Personally, Dr. Kerr was an enthusistic magnetic man, who very markedly impressed every one with the accuracy of his statements and the great fairness and candor in the presentation of them. His papers were always very practical and convincing. Many of them were reprinted and were very widely circulated. The papers contributed to the Medico-Legal Society were classical and were referred to as the highest authoritative statements on the subject.

Dr. Kerr has done signal service to the cause of science by opening a new realm of study in inebriety and will be remembered far down in the future as one of the few men who led his age and generation in this new field of success.

Mr. Bell paid a tribute to the memory of Dr. W. W. Godding, Auguste Vosin, of Paris, and the others named and spoke feelingly of the heavy loss sustained by the society in the recent death of these members and asked leave to notice them in the Journal, which was granted.

Mr. Clark Bell reported, as acting Treasurer, the receipts since the last report from dues and initiation fees of members, the expenditures, and the total cash in the treasury, which was received and ordered on file.

There was a large attendance.

ALBERT BACH, President,
CLARK BELL, Secretary.

MR. CHAIRMAN, AND LADIES AND GENTLEMEN OF THE MEDICO-LEGAL SOCIETY:

Your delegates to the Seventh International Congress on the Abuse of Alcohol, held in Paris, April 5th to the 9th, were favored by comparatively mild breezes across the ocean.

On arriving at Paris our credentials were well received, and my fellow delegate, Dr. T. D. Crothers, was made one of the vice-presidents. This Congress was the largest and most successful of any European gathering held on this subject, and indicated that the Europeans are waking up to a more serious study of the alcohol question.

Monday evening, April 3rd, there was given a Tea, introducing the members to one another. The total registration was between eleven and twelve hundred, and many countries were represented. Among others outside of France and the United States, were Germany, Austria, Russia, Belgium, Finland, England and Canada. The president of the Congress, Dr. Legrand, of Paris, made the opening speech. The first general session was presided over by the Minister of Public Instruction from Belgium. Then came the Secretary's Report, by Dr. Boissier, occupying twenty minutes, after which followed a number of five minute speeches. All were received with a great deal of enthusiasm. There was a statuette of our Frances Willard on the president's table, and some complimentary words were said of this American representative, as well as of others. In the afternoon there was a long speech by M. Henri Brisson, late Prime Minister of France. A few prominent scientists like Dr. Baer, of Berlin; Dr. Forel, of Zurich; Dr. Smythe, of Vienna, and Dr. Emil Jordy, of Switzerland, were there with papers, but the fact stood out very distinctly, that the public sentiment in Europe was about fifty years behind

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us in America on the temperance question. The title of the Congress was significant, it was against the Abuse of Alcoholic beverages, and yet it was a notable thing that such a number of prominent Europeans should gather together in the interest of this cause.

The opinion is very prevalent in our country that the drinking of wine and beer in France and on the Continent is commendable, and that intoxication is rare. This is shown to be a great mistake, from the fact that France is the most drunken country in the world. Already some of her wisest men have sounded the note of alarm, and the attention of the government has been called to the subject.

During the sessions of the Congress a remarkable article was published by M. Carnely, the chief editor of the Figaro, one of the principal newspapers of Paris, the concluding paragraph of which was as follows:

"It would be well for every Frenchman to rise every morning with the thought that he belongs to the race that consumes the most alcohol. Now, alcohol is death to the race. Alcohol will kill the Europeans as it killed the Indians of the Western Continent. Alcohol means disease, means tuberculosis, means decay, sterility, impotence. Alcohol is another word for wickedness, cruelty, vice and insanity. Alcohol means misery, downfall of nations, and the best way to prove patriotism, and to be useful to one's country, is to fight against alcoholism."

Statistics show that in France and Belgium the consumption of alcohol increases, while in other countries it diminishes. France leads the list with a yearly consumption of 14.19 litres for each person, while Canada is placed at the bottom of the list with 2.50 litres to each person. If ever France is to be redeemed, it must come through the abolition of King Alcohol, along with the deadly absinthe, and the destructive tobacco, and paying more attention to the laws of nature. One good symptom is that Paris is now supplied with excellent drinking water. Germany, as well as other grape growing countries, are becoming seriously affected by the excessive use of spirits. This was demonstrated by the largest gathering of government officials and representatives of many sections for the amelioration of the condition of the people, as well as a large number of medical men and clergymen, to protest against the use of alcohol as a beverage. One hundred and fifty papers and addresses were offered during the four days session, and a free discussion of the many phases of the alcohol question was permitted, particular attention being given to the danger of alcohol as a beverage, as well as the danger of moderate drinking. Both Catholic and Protestant clergymen vied with each other in calling attention to this danger, and emphasized it with much vehemence. A few eminent physicians followed with reasons and statistical facts sustaining the clergymen, and some lawyers and jurists were not behind in giving their evidence. These were received with great enthusiasm by the audience, composed as it was of reformers and representatives of different orders of temperance societies. Among the delegates to the Congress were a large number of women who carried off the palm for earnestness and eloquence.

No special policy or line of work was adopted by the Congress, but among the points insisted upon by the papers was that of teaching the truths to children, the improvement of home, and the increase of personal vigor, health and longevity, the diminution of sickness, crime and pauperism, and to us the self evident proposition that total abstinence is not dangerous, nor the withdrawal of spirits in any way hurtful. It was indeed a revelation to Continental Europe to see a thousand men and women of all grades of society gravely discussing a question which was supposed to be confined to a few radical reformers.

In the afternoon of the second day a reception was given to the delegates of the Congress by the members of the Municipal Council of Paris, at the Hotel de Ville.

Thursday evening there was a banquet, at which about 500 participated. The most successful after dinner speaker was a German priest, and this showed that the French people are making some progress toward tolerating the German language as well as the Germans themselves.

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On Saturday a special excursion to the palace at Versailles was another courtesy extended by the authorities to the delegates. The Congress adjourned to meet again in two years at Vienna.

During a short visit to London we were tendered a reception by the English Society for the Study and Cure of Inebriety, presided over by Dr. Norman Kerr. The gathering was held at the London Medical Society's Rooms. Dr. Kerr made some exceedingly complimentary remarks and congratulations were in order, to which your delegates responded, referring to the work of the Medico-Legal Society.

Since our return the papers have notified us that Dr. Kerr has passed into the great beyond. Failing health had banished from his field of work in London, and he had come fifty miles to gives us his greeting. A noble man has fallen and his bright example will encourage many others to follow in his footsteps of usefulness.

There was also a reception given us on the eve of our departure by the National Temperance Society of London, which was attended by a number of prominent physicians and workers in the temperance field, among others Dr. Sims Woodhead, Professor of Pathology at Cambridge, and Dr. J. J. Ridge, of London, who has taken the place occupied by the late Sir Benjamin Ward Richardson, as President of the Temperance Hospital in London, and John T. Rae, the able son of Robert Rae, who has so long been a prominent worker in the Temperance cause of Great Britain. We were made to feel thoroughly at home and enjoyed their many kindnesses.

In review we can but express our satisfaction with the trip. We had an opportunity of visiting and enjoying the hospitalities of three distinctively different nationalities, and were everywhere the recipients of much courtsey, and we also feel satisfied that the results of the Congress will be far reaching and give decidely important impetus to the cause of Total Abstinence.

CHAS. H. SHEPARD, M. D.
81 Columbia Heights, Brooklyn, New York.

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EDITORIAL.

THE CRIMINAL APPEARANCE.

The "Speaker" has an interesting article under this title in which it is claimed that there is such a distinct family resemblance in criminals as to be easily recognizable, without requiring the abilities of a Lombroso to detect it. Exempting a few cases of first offenders, who have fallen victims to a sudden temptation, the resemblance of criminals as a class is apparent even to the casual observer. In the habitual offender, the true natural criminal, the author claims "that it is extraordinary how closely one resembles another within certain well defined limits."

All students of criminology recognize this as a fact and Lombroso makes it the basis of his theory of the criminal type. Experienced judges of long practice in the criminal courts recognize this, and the physiognomy is rarely at fault, especially where it is pronounced and well developed.

This is also believed by chiefs of police and prison officials who have had large experience among, and contact with, habitual criminals. The writer in the "Speaker" divides criminals into two classes, and in the ordinary sense only two classes: the one order relating to crimes where brutality is the motive, the other meanness. The one class relating as a rule to offences against the person or an individual, the other against property.

These classes while differing in detail in many physical features, both are stamped with the same general characteristics All the members in either class are extraordinarily alike, whilst in both classes one finds something which is not exactly the expression of a definite characteristic, but constitutes such a general air and appearance, as at once marks the convict.

The type of these two classes although they may "have been

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cast in exactly opposite kind of moulds, the action of the criminal life has worn both down to a dead level of sameness." So that while at first sight the greater divergences may not be readily apparent; a closer examination would reveal startling differences.

The one class may present as a characteristic an expression bold and aggressive; the other servile and cringing. The one may be brutal and the other cowardly, but in both and each there will be presented that forbidding aspect that causes the child to cry or the dog to snarl at the sight of the criminal face. We have an intuitive sense of what all men recognize as a criminal, it may have the hang-dog look, or the sneak thief air. We instantly recognize it and we never associate that open, honest, face with a crime which we never see in a criminal.

If in a case of doubt the accused had, what we all recognize as a good, honest, truthful face, the jury would rarely convict. If the face was of the opposite or criminal type the verdict would often be the other way.

Abnormalities in natural characteristics often reveal the criminal. This is shown by facial and physical measurements.

The criminal is not found with the usual, ordinary, average and normal measurements. Take the head for example. In the criminal it is either abnormally large or abnormally small; rarely medium or average size. His lips are either very thin or compressed; or the reverse very thick and flabby. His eyes very small, beady and sunken, or very aggressive and staring. His hands very delicate and small, or very large and coarse; his forehead very low and narrow and receding; or very square and protruding; his neck very long and thin, or very short and thick; the physical characteristics rarely normal, usually abnormal.

Hepworth Dixon says, "A handsome face is a thing rarely seen in a prison. "Beautiful faces," says another expert,

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"are rarely found in criminals." The writer in the "Speaker" quotes both these and says:

"If one thinks of those who have been convicted during the last ten years one can recall few instances of notorious prisoners with any claim to good looks. Mrs. Maybrick and Mrs. Osborne form exceptions but no others rise to the mind."

We do not know as to Mrs. Osborne, but the good, honest, beautiful and truthful face of Mrs. Maybrick fully justifies the universal belief in her innocence, that prevails among the great mass of her countrymen and all Englishmen who know her.

Her face is quite incompatible with guilt, and it is a marvel that the writer in the "Speaker" did not see from her face, in the light shown by a careful inspection of it, that she was innocent of the crime for which she suffers so unjustly a long continued imprisonment. It was Capt. Dreyfus' honest, and not criminal face, that satisfied all the world outside of France of his innocence before the suicide of Henry, his confessions, and those of Esterhazy demonstrated it. Neither Capt. Dreyfus nor Mrs. Maybrick are criminals. They neither of them have a criminal face.

The composite criminal face is obtained by photographing one criminal face upon another in large numbers and the face remaining is a clear, well-pronounced face of the well-known criminal type.

Havelock Ellis printed an example of this type of face in his Book on Criminality.

Every one recognizes it instinctively and instantly at a glance as the face of a criminal.

This portrait in Dr. Havelock Ellis' book closely resembles the face of a man who by some singular eccentricity of the chapter of accidents is a member of the Bar of New York City. He is not well-known, and can not necessarily acquire prominence nor distinction in that profession at least on the meritorious side.

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If I should reproduce that face without labelling it at all, the strong resemblance would be at once recognized by every one who knows this man, but few of the bar even know him.

He has thus far never been convicted of crime but those with whom he has practiced, pronounce him as entirely destitute of any moral instincts. He is a monumental liar. Frequently lying where the truth would have served his purpose better, and from sheer love of lying. He has no superior in mendacity, and if he keeps out of prison it will be a marvel.

The physiognomist asserts, and no doubt truthfully, that crime and criminal instincts and propensities are reflected in the human face.

I believe it to be true. The habitual criminal usually carries in his face the ineradicable evidence of his criminal life, instincts and propensities.

Where we see it fully developed, well-defined and undeniable, we may feel sure of the criminal.

It is much like the evidence the face gives in a similar way of the existence of insanity.

In the famous trial of George Francis Train I asked an eminent expert if he could swear to the existence of insanity by the expression of the face and especially the eye.

He replied, "Yes I can frequently detect the existence of insanity by the expression, particularly of the eye."

Q. "Is it an infallible test?"

A. "Yes, when I see it, I know and can swear positively that it does exist. If I do not see it I can not swear positively that insanity does not exist. If present it is an infallible and sure test."

Q. "Look at those present at this trial. (The court room was crowded, the trial proceeding before Hon. Noah Davis.) Do you see among those present any insane person?"

A. "Yes, several."

Q. "How do you recognize them?"

A. "By the expression of the face and particularly the eye."

Q. "Would you be willing to testify positively as to these

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cases without previous examination of or any personal knowledge of the individuals?

A. "Yes, I see several persons in this audience that I can state positively that I believe them to be insane, and can point them out if desired, whose names even I do not know and have never seen before."

Crime registers itself in the face of man, and reveals and announces itself, to the eye of the enlightened student of the science. The intuition of man alone, guided by the practical and enlightened study of the subject can surely and safely detect it, when it is found and revealed.

Like insanity, it does not inevitably reveal itself. It is possible that a man might be a criminal and the face and expression not register it unmistakably.

I doubt if it would not in such cases be to some extent shadowed and faintly hidden. Its absence would not be absolute, not be certain proof, but its presence when fully defined, clear and undisputable, is as clear and accurate an indication of the criminal as can be found, to the eye of the enlightened, intelligent and accurate observer.

MEDICAL PRACTICE LAW IN BRAZIL.

In Brazil a federal law forbids the practice of medicine by any person who has not been approved by one of the two National Faculties, one in Rio and the other in Bahia, under penalty of heavy fines and imprisonment.

The courts have recently held in two cases under violations of this act, that the law is unconstitutional and in conflict with the federal constitution, which in defining individual rights says, "The free exercise of any moral, intellectual or individual profession is guaranteed"—holding that this constitution permits any one to practice medicine.

This decision is not acquiesced in by the medical profession, and an appeal to the Supreme Court of Brazil will be taken.

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CRIMINAL LUNATICS IN ENGLAND.

In reply to a question of Mr. Arthur O'Connor in the English Parliament as to the purpose of the Government regarding the reccommendations of the English Lunacy Commissioners regarding the care of criminal lunatics, the Home Secretary, Sir Matthew White Ridley, said:

"The question of providing additional accommodation for criminal lunatics is engaging my serious attention, and inquiries are now in progress, with a view of obtaining a site for the building of a new criminal lunatic asylum.

"I propose in the course of the autumn to make the necessary application to the Treasury.

"The male accommodation at Broadmoor is fully occupied, but there are still vacancies for females at that establishment.

"It is intended that accommodation in the new asylum shall be provided both for male convicts becoming insane, as well as the other more serious cases of criminal lunatics, but it will in no case be possible to relieve altogether county and borough asylums from their statutory obligation to receive lunatics."

INTERNATIONAL MEDICAL CONGRESS OF 1900, PARIS, FRANCE.

The letter of Prof. P. Brouardel, to the Editor of this Journal of date of April 3, 1899, was published at page 610, March number, this Journal.

The Programme attached of subjects was not translated, and so many applications have reached the Editor of this Journal for a translation, that it becomes necessary to republish the letter, and a translation of the programme. The Committee and the names of those who will contribute papers and the titles of the papers to be sent will be announced in another column of this Journal.

INTERNATIONAL CONGRESS OF MEDICINE OF 1900,
PARIS, April 3, 1899.

Monsieur and Honored Confrere:—The International Congress of Medicine, which will meet in Paris in the month of August, 1900, includes a Medico-Legal Section.

We thought that you would be willing to accept the mission of forming a local committee in the United States, which should undertake to or-

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ganize the participation of the Medico-Legal Jurists in your country in the labors of the Medico-Legal Section of the Congress.

Enclosed we have the honor to transmit you the questions that the French committee contemplates to study especially, and which will constitute the subject of reports made by scientists, those for France having been already designated.

We would feel highly pleased to have the same questions treated simultaneously and in a parallel way by foreign investigators, and we hereby beg you to kindly notify us of the names of the persons in your country who would be willing to present reports on any one of the said questions. Such reports should be forwarded to us within the period of one year at the least.

The Board of the French Committee is composed as follows.

President, Professor Brouardel, Dean of the Faculty of Medicine of Paris.

Secretary General, Dr. Motet, 161 Rue de Charonne, Paris.

Assistant Secretary, Dr. Thoinot 8 Rue de l'Odeon, Paris.

Those gentlemen are entirely at your disposal to answer any query for information that you may do them the honor to ask.

Please receive, Sir, the assurances of our highest regards.

For the French Committee of the Section of Legal Medicine.

P. BROUARDEL, President.

To Dr. Clark Bell,

39 Broadway, N. Y.. U. S. A.

CONGRESS INTERNATIONAL DE MEDICINE, PARIS, 1900.

SECTION DE MEDECINE LEGALE.

Questions Devant Faire L'objeut de Rapports.

1. *Docimasie pulmonaire.* Rapporteurs Francais, MM. Descoust et Bordas.

2. *Action des nouvelles poudres sans fumee sur les vetements et sur la peau.* Rapporteurs, MM. Thoinot et Vieille.

3. *Putrefaction oculaire au point de vue de la determination de la date de la mort.* Rapporteur, M. Descoust.

4. *La combustion criminelle des cadavres.* Rapporteur, M. Ogier.

5. *De la mort accidentelle par l' electricite.* Rapporteurs, MM. d'Arsonval et Bordas.

6. *Les Lesions valvaires consecutives a des traumatismes des parois thoraciques.* Rapporteurs, MM. Castiaux et Laugier.

7. *Les expertises rendues necessaires par les accidents pouvant resulter de l'usage habituel d' aliments ou de boissons dont la conservation a ete assuree par des agents chimiques* [borax, acide salicylique, formol, etc.]. Rapporteurs, MM. les professeurs Brouardel et Pouchet.

8. *Des delits resultant de la pratique du magnetisme par des personnes non diplomees.* Rapporteurs, MM. Gilles de la Tourette et Rocher.

D'antres questions pourront etre traitees par les Membres du Congres qui sont invites a faire connaitre a l'avance le titre de leurs commulcations au Secretaire general.

TRANSLATION.

INTERNATIONAL CONGRESS OF MEDICINE, MEDICO-LEGAL BRANCH.

Questions which will Constitute the Subjects of Reports.

1. "Pulmonary Docimacy." Reports in French (French "Rapporteur"). Messrs. Descoust and Bordas.

2. "Actions (the effects) of the new smokeless powder on garments and the skin." Reports of Messrs. Thoinot and Vieille.

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3. "Ocular putrefaction as a means to determine the date of death." Report of M. Descoust.
4. "The criminal combustion of corpses." Report of M. Ogier.
5. "On accidental death by electricity." Reports of Messrs. d'Arsonval and Bordas.
6. "Valvular lesions consequent upon (resulting from) the traumatism of the walls (coats) of the thorax." Reports of Messrs. Castiaux and Langier.
7. "Expert examination rendered necessary by the accidents which might result from the frequent use of food or drinks which have been conserved by chemical agents" [borax, salycilic acid, formol, etc., etc.]. Reports of Professors Brouarded and Pouchet.
8. "On crimes (offences) resulting from the practice of magnetism by persons who have no diplomas." Reports of Messrs Gilles de la Tourette and Rocher.

Other questions can be treated by the members of the Congress who are invited to notify in advance the General Secretary of the title of their communication.

Members of the Medico-Legal Society who will consent to prepare contributions upon the subjects named, or upon any other subject, to be completed and forwarded within one year from April 1, 1899, will please send their names, and the titles of their communications, to the Editor of this Journal.

All students of Forensic Medicine, whether members of the Medico-Legal Society or not, are embraced within this invitation. The Committee, when formed under the request of the officers of the Section, will be announced in this Journal and in the public press.

THE SUPREME COURT OF CONNECTICUT.

The Medico-Legal Journal announces the completion of a part of Series 5 of Vol. I, of the Supreme Court of the States and provinces of North America, which is devoted exclusively to the State of Connecticut.

It forms a brochure of 100 pages, giving a historical sketch of that Court in the Colonial period as well as since the State was organized, with biographies of the Chief Justices and many of the Associate Justices of that bench and is enriched with about thirty portraits of the Chief and Associate Justices of that Court, embracing all that are accessible or nearly so, and which have been collected with a great deal of labor and pains.

It will be sold as a separate brochure to those who wish the

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State of Connecticut by itself for the popular price of 50 cents a copy and it will form a part of Vol. I, of which it is a part of the 5th Series.

The remaining part of Series 5 of that volume will contain the State of Rhode Island, which will also be published as a separate brochure at the same price. Its publication, which will shortly occur, has been delayed in obtaining portraits of of the earlier Judges, of which a arge number have been secured.

Series 6 of Vol. I of the same work, will also soon be completed and will contain Minnesota, New Hampshire and Ohio. There has been unavoidable delay in obtaining portraits of the earlier Judges of these States, and the Bar of each of said States are appealed to, to aid the editor in securing portraits of the earlier Judges, of which a complete list will be found in the June and September number of this Journal.

If the Bench or Bar of these States desire to obtain separate brochures of each State, they will be furnished separately on order at the same price—50 cents each copy.

The price of Vol. I, containing the whole six series, can be had for $5 per volume.

FRANCE AND JUSTICE.

It seems to be in vogue to assail France because of the conviction of Capt. Dreyfus and his terrible punishment; and our journals decry France, as if she had turned a deaf ear to the demand that went up from the voice of the world for the release of Dreyfus, suffering for a crime of which all mankind believed him innocent.

It is a grave error to assail France and French Justice, as has been done in America, England and elsewhere.

It was a French Court that set aside the first conviction of Dreyfus, for fraud, perjury and forgery, the proofs of which were furnished by the officials of the Government of France.

It was not France that condemned Dreyfus on the second

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trial. It was a military and not a judicial Tribunal. It was the action of a simple Court Martial of lesser and inferior officers, selected by the Generals who were under fire and really on trial themselves, from among those whom they believed they could induce, to shield themselves by his conviction, and this Military Board, on which not one Judge sat, came within a hair's breadth of refusing to second the wishes of the Generals who selected it, by its verdict.

It is France and the French Government, that instantly restored Dreyfus to liberty, without waiting for the decision of the intermediate appellate Military Tribunal; France that would not rest for a day under such a cloud of obloquy as that finding of the Court Martial involved and engendered.

It was France, the old ally of America, our long-time friend, which loves justice and truth and fair play, whose Government trampled upon the scandalous findings of the Court Martial, defied the mob and rehabilitated the sacred and eternal principles of justice, that has never been stained by the decision of the Highest Judicial Tribunal of France.

Who among us would assail the integrity of the Supreme Court of the United States, or of the American Government by reason of the finding of a military Court Martial, in its action respecting an American officer for violation of the regulations of the military code?

The highest French Court did its duty in reversing the action in the first proceeding, and if it ever comes before that Tribunal again, it will again set its seal of condemnation and reversal on the affair at Rennes.

France is entitled to our praise, not our censure—*Vive la France.*

WYOMING STATE MEDICAL SOCIETY.

The third annual meeting of this body will be held at Laramie, Wyoming, on October 10 and 11, 1899, under the Presidency of R. Harvey Reid, M. D. Surgeon-General of that

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State. His Presidential address will be on the subject, "Medical Legislation—Its Relation to the Laity and the Medical Profession."

An attractive program is announced.

INTERNATIONAL MEDICAL CONGRESS OF 1900, PARIS.

SECTION OF FORENSIC MEDICINE, PROF. P. BROUARDEL, PRESIDENT.

AMERICAN AUXILIARY COMMITTEE.

CLARK BELL, ESQ., LL. D., Chairman, New York City.

The following Auxiliary Committee is announced as organized, pursuant to the request of the officers of the Section under the letter of April, 1898, published in March Number of this Journal and reproduced in this issue:

Clark Bell, Esq., LL. D., President American International Medico-Legal Congress; Editor Medico-Legal Journal and Ex-President Medico-Legal Society of New York, Chairman.

Toxicology. Prof. R. Ogden Doremus, M. D., Ex-President Medico-Legal Society of New York; Prof. W. B. McVey, of Boston, Mass., Toxicologist, Medico-Legal Society of New York.

Mental Medicine. P. M. Wise, M. D., President State Lunacy Commission, N. Y.; Daniel Clark, M. D., Superintendent Provincial Asylum for Insane, Toronto, Ontario.

Military Surgery. Surgeon-General Nicholas Senn, M. D., of Chicago; Surgeon-General R. Harvey Reid, of Wyoming; Major Geo. Goodfellow, M. D., of San Francisco, Cal.

Railway Surgery. Chief-Surgeon W. B. Outten, M. D., of St. Louis, Mo., of the Missouri Pacific Railway system; Chief-Surgeon F. H. Caldwell, of the Plant Railway system; Hon. Joseph W. Fellows, of Manchester, N. H.; Geo. Chaffee, M. D., of the Long Island Railway system, Ex-President N. Y. State Association Railway Surgeons; Prof. W. Xavier Sudduth, of Chicago, Ill.

Psychological. Prof. J. T. Eskridge, of Denver, Col.; Frederick Peterson, M. D., of New York; D. R. Wallace, M. D., Ex-Supt. State Hospital for Insane, Waco, Texas; T. D. Crothers, M. D., Superintendent Walnut Hill Home for Inebriates, Hartford, Conn.; James T. Searcy, M. D., Superintendent Alabama State Hospital for Insane, Tuscaloosa, Ala.; A. R. Osborne, M. D., Superintendent, of Glen Ellen, Cal.; Geo. W. Grover, M. D., Sheffield, Mass., Daniel R. Brower, M. D., Chicago, Ill.; J. M. Henderson, M. D., Central State Hospital, Petersburgh, Va.; F. T. Labadie, M. D., Assistatant Secretary, 147 East 56th Street, New York City; Wyatt Johnson, M. D., Montreal, Q., Canada.

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Chemistry. Prof. Victor C. Vaughan, University Ann Arbor, Mich.; Geo. B. Miller, M. D., Ex-Chemist Medico-Legal Society of New York, Philadelphia, Pa.

Sociology and Criminology. Moritz Ellinger, Esq., of New York City, Corresponding-Secretary Medico-Legal Society, Secretary American International Medico-Legal Congress and Secretary of this Committee; Judge Abram H. Dailey, of Brooklyn, Ex-President Medico-Legal Society of New York; Geo. F. Moore, Esq., Ex-U. S. Attorney for Alabama, of Montgomery, Ala.; Rev. Phebe A. Hanaford, of New York City.

The following, American Medico-Legal Jurists, will contribute papers to this Section of the Congress, with titles as announced:

George Chaffee, M. D., Surgeon of Long Island Railway, Ex-President New York State Association of Railway Surgeons, "The Work of the New York State Association of Railway Surgeons."

Albert Bach, Esq., Assistant Corporation Counsel of New York City, President Medico-Legal Society of New York, "The Rehabilitation of the Expert Witness."

Prof. W. Xavier Sudduth, Chairman of the Psychological Section of the New York Medico-Legal Society, of Chicago, Ill., "Personal Magnetism."

D. R. Wallace, M. D., of Waco, Texas, Ex-Superintendent State Hospital for Insane, "La Combustion des Cadavers, Criminelles el Pauvres."

Michael Campbell, M. D, Superintendent Lyons' View Hospital, Knoxville, Tennessee, "The Rational Treatment by the Courts of the Criminal Insane."

Capt. R. W. Shufeldt, U. S. Army, of Washington, D. C., "Psycopathia Sexualis and Divorce."

Helen Densmore, M. D., of Brooklyn, N. Y., "The Cure of Consumption at Patient's Home, Even in its Advanced Stages."

Prof. Thos. Bassett Keyes, M. D., of Chicago, Ill, Editor Journal and Review of Tuberculosis, "Should Consumption be Quarantined?"

George F. Moore, Esq., Ex-U. S. Attorney for Alabama, "Des delits Resultant de la Pratique du Magnetism, par des Personnes non Diplomees."

Clark Bell, Esq., LL. D., Honorary Member Medico-Legal Society of France, Ex-President and General Secretary Medico-Legal Society of New York, President International Medico-Legal Congress, will contribute a paper entitled "La Medicine Legale en Amerique en 19e Siecle."

Clark Bell, Esq., LL. D., of New York, "Railway Surgery in America."

T. D. Crothers, M. D., Vice-President Medico-Legal Congress, Editor Journal of Inebriety, Hartford, Conn., "Inebriate Criminals."

Montague R. Leverson, Esq., M. D., Fort Hamilton, N. Y., "The Right of the State to Impose Any Medical Practice or Dogma Upon its Citizens."

Hart Vance, Esq., of Louisville, Ky., "Universal Induction, or Vis Harmonia."

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Prof. D. R. Brower, M. D., of Chicago, "Asexualization of Degenerates in its Medico-Legal Relations."

"L. Enseignement de la Medicine-Legal dans, la Province de Quebec," par le Docteurs Wyatt Johnson, M. D., et Georges Villeneuve, M. D., de Montreal, Q.

"Le Valeur Medico-Legale de la Preuve de Gosio," par le Docteur Wyatt Johnson, M. D., de Montreal, Q.

The foregoing are contributions placed in charge of the Committee and will be classified later and submitted to the disposition of the Chairmen of the departments under the advice and direction of Prof. P. Brouardel, President of the Section.

The following gentlemen have sent in their names as willing to contribute papers or to take part in the discussion of the eight subjects named in the letter of Prof. Brouardel, viz:

W. H. Mitchell, M. D., Ex-President of the Medico-Legal Society of New York.

Prof. W. B. McVey, of Boston, Mass., Toxicologist of the Medico-Legal Society.

Prof. Victor C. Vaughan, of Ann Arbor University, Mich.

Dr. J. N. Hall, of Denver, Colo.

Dr. George B. Miller, of Philadelphia, Pa.

H. Gerald Chapin, Esq., LL. B., of New York.

Carleton Simon, M. D., of New York.

Dr. Daniel Clark, Supt. Provincial Hospital for Insane, Toronto, Ontario.

Wm. Lee Howard, M. D., Vice Chairman Psychological Section Medico-Legal Society, of Baltimore, Md.

Ida Trafford Bell, of New York, Trustee Medico-Legal Society.

M. W. Newcomer, M. D., of Indiana.

Surgeon-General Col. R. Harvey Reed, M. D., of State of Wyoming.

Surgeon Webb J. Kelly, M. D., of Galion, Ohio, member Ex-Committee Section Medico-Legal Surgery.

John J. Scott, M. D., Shreveport, La,

Prof. Daniel R. Brower, M. D., Chicago, Ill.

Moritz Ellinger, Esq., Secretary of the Auxiliary Committee.

J. Mount Bleyer, M. D., of New York City.

Judge Abraham H. Daily, of Brooklyn, N. Y.

W. S. Watson, M. D., Supt., &c., Fishkill on Hudson, N. Y.

W. B. Outten, M. D., Chief Surgeon M. P. Railway system, of St. Louis, Mo.

Dr. Justin A. Herold, of New York.

Andrew J. Hisrchl, Esq., of the Chicago Bar.

Bettini di Moise, M. D., Bacteriologist of the Medico-Legal Society.

Frederick L. Hoffman, Esq., of Newark, N. J.

Sophia McClelland, Westchester, N.Y.

Alexander Wilder, Newark, N. J.

The Chairman and Secretary of this Committee will fill all

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vacancies occurring in the Committee by reason of death, resignation or inability, or in case of refusal to act, subject to the approval of the Committee.

It is hoped that in case members desire to take part in the work of the Section of Medical Jurisprudence of the Paris International Medico-Legal Congress, of 1900 that they will advise the Chairman of the American Auxilliary Committee to that Section and forward the title and a copy of the paper later.

Subsequent and additional contributions will be hereafter announced. Address all communications on this subject to

CLARK BELL, ESQ.,
Chairman American Auxiliary Committee,
39 Broadway, N. Y.

or MORITZ ELLINGER, ESQ., Secretary,
care Surrogate's Office, New York City.
or F. T LABADIE, M. D., Assistant Secretary,
147 East 56th Street, New York City.

THE PRISON SYSTEM OF ENGLAND AND AMERICA CONTRASTED.

The Hon. E. H. Pickersgill, M. P., has recently contributed a thoughtful and most able article to the London Law Magazine, contrasting the Prison Systems in America and England, in which he takes occasion to criticise the report of Mr. Ruggles Brice, the Chairman of the English Commissioners of Prisons, made to the English Parliament upon his recent visit to the Reformatories and State Prisons of New York, Massachusetts, Illinois, Ohio and Pennsylvania.

Mr. Ruggles Brice is opposed to the system known here as the "Indeterminate Sentence," and to the "Parole System" as a Reformatory measure, which he claims "violates the fundamental principle, that punishment to be effective shall be certain or definite," and adds that "this uncertainty, must have the bad disciplinary effect of unsettling the prisoners."—Mr. Pickersgill, thinks, "that this is to regard the matter too

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much from the gaoler's point of view," and he strongly urges "that the prospect of release, would be an enormous stimulus to good conduct and industry," and he also asserts what is well known by all penologists, "That it is a notorious fact that the worst criminals make, as a rule, the most exemplary prisoners."

It is very difficult for men, accustomed as both Mr. Ruggles Brice and Mr. Pickersgill have been, to look upon crime, as is done in England in the abstract, and its punishment, from the standpoint of the English prison system, or to correctly understand the Reformatory System adopted at the Elmira Reformatory, or at Concord, or to be free to recognize its merits. A higher plane of thought has been occupied in America as it has by the abler thinkers of Italy, that we should study the criminal rather than crime in the abstract. It is the problem in criminology how to save the criminal himself.

Mr. Justice Kennedy, in his address before the American Bar Association, at Buffalo, recently touched on the theory of corporal punishment of criminals from the English side, and announced his intention of visiting the Elmira Reformatory, and it will be interesting to see if he concurs in the views of Mr. Ruggles Brice which Mr. Pickersgill criticises so ably.

The conclusion at which Mr. Pickersgill arrives, as the summing up of the contract of the English Prison System and that of what may be called the American Reformatory System, is most admirably stated, and places the issue in a very strong light, to the criminologists of the era. He says: "To put the case broadly, the penal system in America is adapted to *reform* a man, while the penal system in England—even after allowance has been made for some recent improvements which I desire cordially to acknowledge—is still calculated to degrade him." Mr. Michael Davitt has said "that when a man enters a convict prison, he must part with all his *self respect.*" Another has said: "In Portland prison all that is good in a man's nature is crushed and destroyed, and all that

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is brutal and bad is brought out. On the other hand the underlying spirit of the American System is to bring out what is good in a prisoner." Mr. Pickersgill has a higher, broader, and more humane view of the subject of criminology than it would be possible for Mr. Ruggles Brice to appreciate or accept, with his environment, training and conceptions of crime and criminals.

The very atmosphere of an English convict prison is not comparable to that of such a reformatory as the one at Elmira or at Concord.

If American Criminologists were to make the contrasts that Mr. Ruggles Brice endorses in his report, it would be in a much stronger light than the one used by Mr. Pickergill.

It will require a revolution in the whole prison system of England, and twenty-five years at least of careful study and labor of the broader minds of Great Britain, to come up to the plane which the Penologists of the world now occupy, and in which America is now foremost and holds highest ground. Mr. Ruggles Brice is at least a quarter of a century behind the age.

The crying need of Prison Reform in England is in the present official system, and that will probably not be inaugurated even until the personnel of the under officials of the home office are changed, which might not be immediately effected by a change in political parties there.

Mr. Ruggles Brice does not believe in the indeterminate sentence. Nor in the system of parole. From his standpoint they are radically and fundamentally wrong. In America there is scarcely two sides to that question in the public mind, and we are glad to see that the recent Committee on English Prisons differ also with the views of Mr. Ruggles Brice and that as Mr. Pickergill says, "They suggested that State reformatories should be established in England and they made the following reccommendations:" The Court should have the power to commit to these establishments offenders under the age of twenty-three for periods of not less than one year

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and up to three years, *with a system of licenses graduated according to sentence*, which should be freely exercised.

Should not the thoughtful minds of Great Britain consider whether it would not be worth the trial in the case of youths, of previous good character, who have been convicted of first offences, to hold out to them a ray of hope for a better life, and an opportunity of redemption, on the lines of that splendid experiment made at the Elmira Reformatory, than the future which the present English convict prison gives?

We in America are striving to surround such a youth with influences that will reform and regenerate him and restore him to society and true manhood, and the results show how higher and nobler is this effort than the present English prison system.

DREYFUS AND FRANCE.

The action of the Cour de Cassation, in France, in ordering a new trial on the appeal of Capt. Dreyfus, demonstrates that the highest judicial tribunal of France was safe, and certain, to decide in the interest of justice, and to reverse and set aside the conviction of the first Court Martial on the evidence of forgery, fraud and perjury, which Esterhazy, the suicide of Henry and the confessions of Henry had demonstrated.

It was because the Supreme Tribunal of France held that justice was higher than prejudice against the Jew, and that no matter what came of the military chiefs compromised by the revelations of forgery and fraud, the ermine of the French Bench would be unstained by any act that would deny justice to the innocent.

The appeal of Capt. Dreyfus to the Cour de Cassation, was for a new trial before a military commission in the nature of what is known in English speaking countries as a Court Martial.

It should be remembered by those who are assailing the decision of the military officers composing this Court Martial, as if it was the action of a Court of France, that there has not

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been one of the Judges of the French Courts connected with this proceeding; that it has been a purely military trial, before officers of the French Army, under the rules and regulations governing military Court Martials in France.

It is as unwise as it is absurd to rail against France, and the Courts and the judiciary of France, or to claim that because these French officers had refused to fasten what they believed to be an ineffaceable stain upon the fair fame of the French Army, and to brand as criminals the Generals high in place who were the real persons on trial; or to imagine or believe, that the French nation and people had gone mad, and let hatred of the Jew and adoration of the Army overcome love of justice and destroy or emasculate the conscience of the French people.

The American and the British press have treated this finding of an inferior Court Martial as if it were a judicial decision of a high French Court of justice—which it is not.

We have no right for one moment to doubt what will be the attitude of the Highest Court of France on the case if it ever reaches that august Tribunal. There was not a Judge or even a lawyer on that board of military men who composed that Court Martial. They were all officers of that Army, in which blind obedience to orders had been ever held to be a cardinal virtue. Each had been trained and drilled to believe and act on the assumption that the honor of the Army was higher than the individual rights of a soldier or an officer, and that the life even of an officer would not for an instant stand in the scale, when danger to the State was in the balance.

When the very Generals whose conduct and action—and who were really on trial—were allowed to state their opinions, wishes and the unfavorable opinions of others, in utter disregard of the rules of evidence as maintained in any Court of Justice in the world, is it not a marvel that two officers could be found of sufficient courage and stamina to vote against the wishes of their Generals; when three votes would have served to quash the proceeding, and when the third voice—really opposed to the conviction—could only be induced to sign

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the finding, by complying with his demand, that every member of the Board of Officers should sign a statement of *extenuating circumstances*, which means very much in France—it has a significance unknown in America or in England and analogous proceedings?

It was only a hair's breadth by which these generals escaped that annihilation which would have befallen them had the hesitating third officer refused to sign the findings of the Board.

The English press almost with one voice are railing against the decision. What would they say had such a thing occurred in their own country, and it had been a criminal trial, where there was no appeal.

There is, thank God, and the cause of justice and human liberty, an appeal in France. That appeal lies to the higher Military Board and officers, and above all is the Supreme Court of Justice of France, to which an appeal over all lies. The decision of that court in reversing the finding of the first court-martial, despite the whole influence of the generals and of the army, in the face of the mob, and the threatened revolution of those who demanded innocent blood, is an earnest of that eternal principle of justice, which has never yet been sullied or tarnished by their Supreme Court, and which is there as safe as is the liberty of the humblest citizen of France, be he Jew or Gentile, Atheist or Christian, if he be a loyal son of France.

The Investor's Review of London, Sept. 16, 1899, in commenting upon the finding of the Court Martial, says:

"Nay, even to the unhappy men who form the majority of that Court Martial we might at least accord some measure of pity. Consider their position They know nothing about law or about the nature and rules of evidence, and they sat there day after day for a month under the eyes of men who were their superiors in the military hierarchy, bullied by these men, threatened by them, and as good as ordered to give a verdict in accordance with their demands. How many of us—let each man ask himself—would have been able to withstand this exhibition of military insolence on the part of superior officers had we been put to the test? Suppose seven colonels and majors and captains of the English army assembled in like conditions, with Lord Wolseley, the Duke of Connaught, Sir Redvers Buller, Sir Evelyn Wood, and a few other general officers in constant secret communication with the members of this Court, who are daily threatened and overawed by them during the hearing of a case.

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Could we have found seven men in the British army on whom to rely to give a verdict in accordance with justice and truth and their consciences, regardless of what might happen to them if they disobeyed the generals? We take leave to doubt it."

What would have been the findings of an American Court Martial composed of similar officers of the regular army of the United States, had officers of the highest rank been involved and directly charged with fraud, perjury and the suppression of the truth, as was the case in France, especially when the men accused selected the Court Martial from friendly officers in their own interest and from among their personal friends and subordinate officers?

It is, however, not a case in which the American Government can for one moment interfere.

The Government of France, having furnished the evidence which led to the reversal of the findings of the first Court Martial by the Court of last resort, shows that it would not respect the findings, and instantly pardoned Capt. Dreyfus and set him at liberty.

This was the natural and logical solution of the interference on the part of the Government of France which led to the new trial and the reversal of the findings of the first Court Martial.

The Cour de Cassation of France has always stood as high as any judicial Tribunal in the civilized world. As a whole it has no superior in the world, not only for the maintainance of justice in France, but for its swift action. As a Court it is a model; as an appellate Tribunal it is unique, and in many respects far excels our own in its practical work and operation, especially in the preventive of what are known as "the laws delays."

For the purity of the Court, its absolute fearlessness, it has no superior on the globe.

Whatever may betide France, none have ever doubted the rectitude of the French Bench, and no one at all familiar with France or her history, can for one moment doubt the absolute integrity of the judiciary of France. Of the French Bar it may be said that it is not inferior to that of England in ability,

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character or standing, and those who have most carefully analyzed its great and lustrous names, must confess that it would not suffer in contrast with the Bar of our own country.

Capt. Dreyfus is a Frenchman and a French officer. He is not an American citizen, as Mrs. Maybrick is. There our Government has and can rightfully interfere. She, like Dreyfus, is innocent. Her punishment has been ten years of terrible suffering; his five; hers the more severe, the more terrible for her to endure in its physical suffering than was his crimes and terrible as his woes.

Dreyfus can appeal to the highest court in France and his vindication is only a question of time. Mrs. Maybrick, alas, has no appeal. If her case could go before the High Court for Crown cases reserved, or if criminal appeal existed in England as it does in France, she would be at once discharged.

No one need fear that the court of last resort in France will not see that justice is done in the case of Dreyfus.

When the case reaches that Supreme Judicial Tribunal, Dreyfus will surely be vindicated.

FIRST CONGRES INTERNATIONAL DE MEDICINE PROFESSIONELLE ET DE DEONTOLOGIE MEDICALE—PARIS, 23-28 JULY, 1900.

The announcement of this Congress addressed to the fellows of the Medico-Legal Society has reached us.

The officers are as follows:

President—S. Lereboulet, Rue de Sille 44, Paris.

Secretary-General—Jules Glover, Rue du Fauberg-Poissonnierr 37.

The address of the Bureau is Masson et Cie, 120 Boulevard, Saint Germaine, Paris, France.

This Congress will have four Sections: M. Andre, of Toulerne, is the President of the First Section; M. Queirel, of Marseilles, of the Second; M. Lacassagne, of Lyon, of the Third, and M. Gross, of Nancy, of the Fourth.

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Communications to this Congress may be made in English, French or German. They should be sent prior to July 1, 1900, and if not in French, should have an analysis or resume in French to accompany them. The membership fee is fifteen frances, which should be sent to the Treasurer, M. P. Masson, 120 Boulevard, St.-Germaine, Paris.

MASSACHUSETTS MEDICO-LEGAL SOCIETY.

The fall meeting is announced for October 4th, 1899, at 12 o'clock M., at the Medical Library, 19 Boylston Place.

The following papers are announced to be read: by the Secretary, Dr. Julian A. Meade:

1. By Herbert Parker, Esq.: "Some notes from old time calendars."

2. Dr. Jay Perkins: "Medical testimony on Insanity as an excuse for crime."

3. Prof. Charles Harrington: "Food Poisons and Metallic Irritants: Resemblances and Differences observed."

This body makes valuable contributions to the literature of medical Jurisprudence from time to time; and its labors reflect great credit upon the organization.

It is composed of the Medical Examiners of the State of Massachusetts. These officers were the successors of the old coroner system when that office was abolished there.

INCREASE OF INSANITY IN ENGLAND.

The fifty-ninth report of the English Lunacy Commissioners shows that the total number of lunatics in England and Wales on January 1, 1899, was 105,086, being an increase over the preceding year of 3,114. This is the largest annual increase ever before recorded.

The proportion of the three classes of lunatics, private, pauper and criminal, to the population are respectively, 2.73, 30.13 and 0.25 per 10,000. Total proportion to population,

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33.11 per 10,000. During 1898 the total admissions (exclusive of transfers) was 19,314—males, 9,383; females, 9,931. Discharged as recovered, 7,121, and 4,901 as not recovered. Deaths 7,602.

AMERICAN MEDICAL CONGRESS OF TUBERCULOSIS

THE American Medical Congress of Tuberculosis will meet in the City of Chicago in February, 1900. The main subject of discussion will be Tuberculosis. Under one Section the laws of the several States regarding the disease and its treatment will be considered. We hope to speak more in detail as to its scope and work in our December number.

Inquiries respecting it can be made of Prof. Thos. Bassett Keyes, Editor of the Journal and Review of Tuberculosis, 92 State Street, Chicago, Ill.

MISSISSIPPI VALLEY MEDICAL ASSOCIATION.

Dr. Harold N. Moyer is Chairman of the Committee on Arrangements of this body, which meets in Chicago, Ill., October 3 to 6, 1899, in Handel Hall, Randolph Street, under the Presidency of Dr. Duncan Eve, of Nashville, Tenn. A most elaborate program is announced and the arrangements made indicate a meeting of unusual interest and value.

We shall endeavor to notice some of its work in our next issue.

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PERSONAL.

DR. DAVID NICHOLSON, Lord Chancellor's visitor in Lunacy, Chairman of the Section of Psychology, made a Presidential address, on August 2, 1899, before the British Medical Association, mainly addressed to the question, "Can the Reproachable Differences of Medical Opinion in Lunacy Cases be Obviated?"

DR. J. F. SUTHERLAND, Deputy Commissioner in Lunacy for Scotland, at the same session read a paper on "The Urgency of Legislation for the Well-to-do Inebriate," which aroused considerable discussion, in which Dr. Lloyd Andriezen Dr. Seymour Tuke, Dr. Fletcher Beach and others took part.

DR. G. ARCHDALE READ, of Southsea, England, read a paper before the same section on "Alcoholism in its Relation to Heredity," assailing the commonly accepted view, that the effects and results of alcoholic abuses were transmitted to and reflected in the offspring of the alcoholic.

DR. LLOYD ANDRIEZEN assailed the theories of this paper, and showed by strong proofs

"That by the careful investigations made by himself he was justified in concluding that the following were the more frequent results of alcoholic parentage as shown in its expression in the offspring:

"1. Imbecility and weak-mindedness.

"2. Infantile convulsions and meningitis.

"3. A large proportion of still births.

"4. Brutal degradation and incapacity in the children, with ties and impulses, including hereditary drink-craving."

He also cited a paper read by himself before the Neurological Society of London, in April, 1896, in opposition to the views of Dr. Reid.—(Vide London Lancet, Aug. 12, 1899)

[The Journal has lost Dr. Andriezen's address in London. Will he kindly send his present address?]

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NECROLOGY.

SAMUEL B. W. M'LEOD, M. D.—Dr. Samuel B. W. McLoed, one of the best known physicians in the city, died on Wednesday, August 23, 1899, at his home, No. 339 West Twenty-third Street. His death was due to heart trouble, which was aggravated by injuries he received in falling off a Madison Avenue electric car at Twenty-third Street about a month ago. Since then he had kept up his active practice, although at times suffering great pain.

Dr. McLeod was born in Galway, Saratoga County, N. Y., in 1831. His father was the Rev. Dr. John Neil McLeod.

Dr. McLeod entered the class of '49 in the University of Pennsylvania, of which his grandfather, the Rev. Dr. Samuel Brown Wylie, was at that time provost and professor of Languages.

He was for many years an active worker in the Medico-Legal Society; served two years as First Vice-President and was twice elected President of the Society, serving in the years 1896 and 1898.

He served one term as Vice-President and five successive terms as President of the New York County Medical Society, and was Vice-President and President of the New York State Medical Association. He was one of the original members of the New York Academy of Medicine.

He was a careful, conservative physician, a forcible speaker and a most conscentious Christian gentleman.

He was a ruling elder in the Dutch Reformed Church, of West Twelfth Street, New York City, where his funeral was held, and he was "the beloved physician" to that congregation, as well as to a large circle of personal friends.

Dr. McLeod was married in 1857 to Miss Sarah B. Irving, who survives him. He leaves two sons, Dr. Johnston McLeod,

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of Aurora, N. Y., and Lincoln McLeod, who was captain of Company H, Seventy-first regiment, during the recent war.

JUSTICE FOLLETT.—Justice David L. Follett of the Fourth Appellate Division, New York Supreme Court, died suddenly on the afternoon of July 5, 1899. He was born in Sherburne, N. Y., July 17, 1836. He was educated at Oneida Conference Seminary, studied law at the office of Rexford & Kingsley, at Norwich, and Jan. 5, 1858, was admitted to the bar. He immediately opened an office in Norwich, and practiced his profession there until Jan. 1, 1875. He has held the office of Justice of the Supreme Court since that date, his present term expiring in 1901. His ability on the bench received such recognition that he also held a number of appointive offices, one being that of Commissioner with David Dudley Field and Judge William Rumsey to revise the proposed Code of Evidence. Gov. Cleveland designated him in May, 1884, as an Associate Justice of the General Term of the Fourth Department, which office he held until January, 1889, when he was appointed an Associate Judge of the Court of Appeals to form a Second Division, and by this court he was appointed Chief Judge, and so continued until the court was discontinued. In November, 1892, Gov. Flower designated him to act as Associate Justice of the General Term of the First Department, and he served until January, 1895, when the court was abolished. In 1895 he was appointed by Gov. Morton an Associate Justice of the Fourth Appellate Division, which place he held at the time of his death.

HULL FANTON, ESQ.—Hull Fanton, was born March 23, 1833, at Catherine, N. Y. He was admitted to the Bar in March, 1857, and commenced practice of the law at Havana, Schuyler County, N. Y. He enlisted in the Union Army under the 300,000 call of July, 1862, raised Company H, of the 107th N. Y. Vols., and went to the field as its Adjutant, appointed Aug. 8, 1862; promoted Brevet-Captain, March 13, 1866, and Brevet-Major Dec. 31, 1866, for gallantry and military service.

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He was appointed Register in Bankruptcy in 1867, and held that office for ten years, until the repeal of the act.

He practiced both at Havana and in the City of New York, was President of the First National Bank of Havana; served as Supervisor of his town, and was for over thirty years a conspicuous member of the Bar of Schuyler County. He was a man of great energy, high ambitions, large intelligence and strong sagacity in public affairs.

He was a corresponding member of the Medico-Legal Society of New York, and took an interest in Medico-Legal questions. He took an interest in public questions, and at one time conducted the Havana Journal. He died May 15, 1899, after a short illness from an acute attack of mania, produced by overwork and pressure of business cares.

He was an upright, honorable man. He leaves a widow and daughter and a wide circle of personal friends.

DR. LOUIS ALPHONSE CHARPENTIER, Paris member of the Paris Academy of Medicine, died in Paris at the age of 63.

He was a high authority on Obstetrics. Took his medical degree in 1863, and was appointed a Professor at the Paris Facultie de Medicine in 1872. He was a corresponding member of the Medico-Legal Society of New York, and took a deep interest in Forensic Medicine. He was editor of the "Annales d' Obstetrique et de Gynecolegie," and was an author of works in his specialty. He held a high position at the French Capital.

ROBERT J. INGERSOLL.—The death of Col. Ingersoll removes one of the most conspicuous and lustrous names among the great American orators of our era. His eloquence was marvelous, inimitable, and combined with that wonderful and charming personality, with which it was ever illumined and glorified; made him by general acclaim one of the leading, if not one of the most eloquent platform speakers on this continent.

His charm of manner and personal magnetism was second only to that of James G. Blaine, who did not approach Ingersoll in his wondrous powers of oratory.

In speaking before the Saturday Night Club at the dinner

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given to the Drama, where Dion Boucicault was the central figure, Ingersoll chose for his theme Shakespeare, whom he adored, and he spoke like one inspired.

I have heard the greatest of our American orators of the last half of our century, but I have never heard one that was at all comparable to him in this marvelous effort.

Without any Supreme Being whom he could at all worship, he had filled that longing for a God, which underlies every human heart, with the image of a man, whom he thought worthy of his loftiest ideals, and whom he almost deified in the apotheosis which his eloquent words created.

If he ever could be said to have worshipped, we then came nearest to seeing this wondrous nature at his devotions.

The great misfortune of his life was his religious opinions. They obscured his judgment and prevented that public recognition which would otherwise have surely brought him into high public positions.

It is perhaps true that the influence of his father's extreme ideas drove him into the camp of the infidels. Whether due to this or not, he embraced early the teachings of Voltaire, Paine and that school of which he became a disciple and follower and teacher.

Felix Adler says truly that "He made men tolerate opinions that they hated. His power was due not merely to what he said, but to the personality behind his words."

He had a tenderness and sweetness in his character that ruled his life. Pain and suffering gave him mental agony and unrest. This was marred by the prejudices of his religious views only, and his abnormal hatred of priests and churches was almost a mania and embittered his life.

He felt the pangs that John Calvin's victim suffered at the stake acutely, because Calvin was a priest, but he never felt one throb of pity for the great agony of Christ upon the cross, because he looked on Christ as a priest, and a type of what he had trained his mind to hate and detest.

No one can assert that Ingersoll was an atheist. I don't

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think that a doubt ever was fixed on his mind of the existence of a God. His address at the funeral of his brother, and a speech I heard him make at the Goethe Club on "The Character and Life of the Great German Philosopher," leaves me quite certain that he believed as most men believe—what none can know—in the immortality of the soul. It is easy to say with the agnostic, "I do not know;" "I neither deny or affirm." All can say that. That is to beg the question. His hope of an immortal life beyond was weak and faint, but he held the same hope that the Christian holds; his the flickering rush light; the Christian hope, "the lustre of a star."

As a lawyer Col. Ingersoll stood high. His eloquence before juries gave him great standing at the Bar.

He was for years a member of the Medico-Legal Society and interest in Forensic Medicine as a part of his professional equipment, but never wrote on its themes, devoting a brilliant life to antagonizing the Church, and especially clergymen, with whom he became involved in profitless contentions, which greatly annoyed him.

He gave nothing new, however, to the world on the old issues of infidelity. Voltaire's Philosophical Dictionary and Paine's Age of Reason will be the standards of that school when he is forgotten.

His published works are some of them charming in diction and can be read with pleasure, even though you differ with him at every point.

His influence upon mankind was never great and his memory cannot be lasting.

His aim was rather to lead men to what he regarded as intellectual freedom than the propagation of infidelity as a faith.

His audiences embraced all classes, and the majority were those attracted by the charm of his eloquence, and who did not accept his views.

Some have thought that his views on suicide may have led men to self destruction. He simply adopted the ideas of the old Epicurian philosophers in this respect, and should not be

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judged harshly for his views, which were the natural sequence of his peculiar opinions.

Those who knew him personally will never forget him, his lovable nature and his surpassing eloquence, but in half a century, when these are gone, it will not be found that he made any lasting impression upon the age in which he lived.

His works do not and will not rouse and antagonize the clergy, as did and do those of Voltaire and Paine, and there will be none in even 1950 who will be willing to say of him as Governor Roosevelt says of Paine in his life of Governeur Morris when speaking of the imprisonment of Paine, "So the little filthy atheist had to stay in prison, where he amused himself by publishing a pamphlet against Jesus Christ."

Paine's imprisonment in France had no relation to his religious views, but to his eligibility as a member of the French Constitutional Convention and the enmity of Morris, then the American Minister, who detested him.

Tenderest of fathers, most devoted of husbands, exalting the family into an altar, in a life without any other object of adoration, Col. Ingersol will be remembered by all who came under the spell of his eloquence, the charm of his personal presence and influence, as one of the most delightful of companions and best of citizens; and a distinguished ornament to the American Bar.

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JOURNALS AND BOOKS.

BULLETIN OF THE SECOND INTERNATIONAL MEDICO-LEGAL CONGRESS AT BRUSSELS IN 1897. P. p. 411, Maison Piette, Charleroi, 1899.

This volume has just appeared and is an important contribution to the science of Medico-Legal Jurisprudence for the world. It is edited by Dr. Camille Moreau, the Secretary General of the Congress, of Charleori, Belgium. The volumes contains a large number of the original contributions to the Congress, all translated into French save those written and contributed in that language, and the proceedings of the Congress, which occupied from August 2nd to 7th, both inclusive, in 1897.

This Congress was originated by the Medico-Legal Society of Belgium, and was held under the supervision of the Belgian Government. Ministers Bergerem, Burgess, and Beckers, President, and Merdach de Terkiell, Procureur General of the Court of Cassation, President Motte, of the Court of Appeals, and Van Schoor, Procureur General, being Honorary Presidents, were Honorary members.

The official questions discussed were divided into four classes.

I. Bacteriology and Toxicology.
II. Legislation.
III. Legal Medicine.
IV. Mental Medicine.

The Congress was organized on August 2nd, 1897. Monsieur Bergerem, Minister of Justice, Honorary President in the chair, who made the opening address, followed by Dr. Vleminckx, one of the Honorary Presidents and ex-President of the Medico-Legal Society of Belgium.

The President of the Belgian Medico-Legal Society and President of the Congress, Member of the Royal Academy of Medicine of Belgium and Medico-Legal Journal of Brussells, then made the Presidentital addresses. The other officers of the Congress were as follows;

Honorary President, Dr. Vleminckx, of Brussells; President, Dr. Miot, of Charleroi; First Vice-President, Prof. Malooz, Liege; Second Vice-President, Dr. LeBrun, Brussells; Secretary, Dr. Camille Moreau, Brussells; Associate, Dr. de Nobell, Ghent, and Treasurer, Dr. Dewez, Mons.

The following gentlemen were named by the Congress as Honorary Presidents of the Congress:

Prof. P. Bronardel, of France; Dr. Motet, of France; Clark Bell, Esq., LL. D., of the United States; Dr. John Mauntz Aspelin, of Sweden; Prof. Dr. Gosse, of Switzerland; Prof. Dr, Kossoroloff, of St. Petersburgh, Russia, Dr. Enriques Limancas, of Spain.

Prof. P. Bronardel presided on August 3rd. Dr. Miot on the 4th, in the morning, Dr. Motet in the afternoon. Prof. Gosse on the 5th. Dr. Aspelin on the 6th, morning session, Dr. Vleminckx, afternoon session, and Dr. Miot on August 7th.

The work is divided into two parts. The first contains the original papers so far as the same have been printed and the latter the translations of the debaters.

It is a great misfortune that it does not contain any index, the omission of which is a great mistake on the part of the editor, as it is quite impossible to find any paper or subject without going through the volume page by page.

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The whole forms a very valuable collection of Medico-Legal knowledge and is a credit to the Medico-Legal Society of Belgium.

Several of the questions originated at this Congress will come before the Medico-Legal Section of the International Medical Congress of 1900, under the Presidency of Prof Bronardel, among which will be

1. "*La docimasie pulmononaire.*"

Dr. Dallenague, of Brussells, made a valuable report on this theme before the Belgian Congress, and Mell. Descoust and Bornas are to report upon this topic at the Paris Congress in 1900.

2. "*Les factes internes de la putrefaction des cadavers.*"

Prof. Malooz, of the Ministry of Liege, made a careful report on this theme at the Belgian Congress.

It is on the tapis at the Paris Congress of 1900, on the 3rd question:

"*Putrefaction Oculaire au point de vue de la determination de la mort,*" on which Dr. Descoust is announced to make the report at Paris.

AMERICAN PSYCHOLOGICAL ASSOCIATION TRANSACTIONS. Vol. 6, (1898 and 1899.)

This volume, of 417 pages, is the record of the 54th annual meeting of the association held at St. Louis, May 10 to 13, 1898, under the presidency of R. M. Bucks, M. D., Superintendent of the Hospital for the Insane at London, Ontario. It contains besides a carefully prepared record of the proceedings the original papers read and reports made, list of officers and of members. The annual address was made by Prof. J. T. Eskridge, of Denver, on the Mutual Relations of the Alienist and Neurologist in the study of Psychiatry and Neurology. The origiual papers are of unusual excellence and value. The memorial notices are of Dr. Palmer Jones, of Nashville, Tenn.; James Olmstead, M. D., of Middletown State Hospital of Conn.; Dr. H. A. Buttolph, of Short Hills, N. J.; George Allen, of Middletown State Hospital, New York; R. H. Moffitt, M. D., of the Iowa State Hospital, at Mt. Pleasant; Dr. Hugh F. McNary, of the Central Asylum for the Insane of Kentucky, and Julia K. Cary, M. D., of the medical staff of the Mass. State Hospital of Danvers, Mass. The volume is published by the association and is a credit to the committee who had it in chage.

THE ARENA.—The Alliance Publishing Company, New York. This journal has chauged hands. It has been purchased by parties in New York, who have moved its publication office from Boston and it is now published by the Alliance Publishing Company, Life Building 19 West 31st street, New York City, and John Emery McLean takes the editorial chair. In the October number Paul Tyner takes his leave of the readers of the Arena under date of September 5, 1899, and Johu Emery McLean makes his editorial bow to its readers, and takes his leave of the editorship of the Journal "Mind." The Alliance Publishing Company will publish both journals and they announce that they will send both these journals to old subscribers of either or to new subscribers for $3.00, which is the price of one. It is not an actual consolidation of the two journals in one, but is practically so, as although each will be published by the same company they will for the present be continued under their former style and appearance, and the subscribers of either receive the other as a present. Certainly a good thing for the subscribers.

THE LAW MAGAZINE AND REVIEW. A Quarterly Journal of Jurisprudence, London. Wm. Clews & Sons, 27 Fleet street, London, England. This is an old established Law Quarterly that was founded in 1844 and is now in its 24th volume. It is well edited, though the editor's name is supressed for some reason. Its subscription is 15 shillings, English, per annum. E. W. Pickersgill, M. P., contributes a paper to the August number on "Prisons in England and America, a Contrast." Prof. Richard Brown, of St. Mungo's College, Glasgow, a paper to the May number 1899, on "The Medical Jurisprudence of Insanity." T. C. Giannerini, Chief Justice of the Republic of San Marmo, contributes a paper to the November number, 1898, entitled "Judge and Lawyer." We are

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glad to welcome this journal to our exchange list. It has recently changed ownership and the new owners are using a vigorous and new broom in the management of the journal.

THE LEGAL ADVERTISER, Denver, Colorado, J. Warner Mills, Esq., Editor.

The June number of this Journal contains a strong editorial in favor of the release of Mrs. Maybrick, and seconds the efforts made by the Medico-Legal Society of New York and the resolutions under which its Memorial Committee is at work.

It contains the address also of Hon. Benj. A. Richardson, before the Maryland State Bar Association, entitled "The New Feudalism."

The Journal is ably edited, is a monthly and its price is $5 per annum.

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BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

ELMIRA STATE REFORMATORY. The Year Book. 1899.

THE JOHNS HOPKINS HOSPITAL REPORTS. 1899.

Reasons and Authorities favoring Educational Unification under the Regents of the University. 1899.

The Seventy-fifth Annual Report of the Officers of the Retreat for the Insane, at Hartford, Conn. 1899.

W. A. PURRINGTON, Esq., of the New York Bar. Legal Decisions affecting Physicians, Dentists, Druggists and the Public Health.

ELMER LEE, A. M., M. D., Ph. B., of Chicago, Ill. Syphilis Successfully Treated by Hydriatics. 1896. How to Cure Rheumatism. The Fallacy of Antitoxin Treatment as a Cure for Diphtheria. 1896.

T. D. CROTHERS, M. D., Hartford, Conn. Concealed Alcohol in Drugs. 1897. A Case of Dementia and Alcoholic Mania. 1897.

HAVELOCK ELLIS, London, England. MESCAL: A New Artificial Paradise. 1898.

T. D. CROTHERS, M. D., Hartford, Conn. The Late Dr. Isaac N. Quimby. 1898.

JAMES B. DILL, of New Jersey Bar. The Laws of New Jersey relating to Banks and Banking Trust Companies and Safe Deposit Corporations. Revision of 1899. Laws of New Jersey relating to Corporations. 1899.

THE BANKS LAW PUBLISHING CO., New York. Amendments of the Code of Procedure, Code of Criminal Procedure and Penal Code. 1899.

F. R. STURGIS, M. D., of New York. Are Complete Castrates Capable of Procreation. 1898.

SCHERING & GLATZ, Urotropin. 1899. Collargolum and Unguentum Crede, 1899. Trikersol, 1899. Xeroform, 1899. Anusol Suppositories, 1899. Duotal and Creosotal, 1899. Alpha-Eucaine and Beta Eucaine, 1899. The Disinfection of Dwellings with Formaldehyde, 1899.

U. O. B. WINGATE, M. D., of Milwaukee, Wis. Tumors of the Brain. 1899.

Transactions of the Massachusetts Medico-Legal Society, 1899.

G. H. E. STARKE, M. D. Phthisis. 1899. New York.

KENNETH SYLVAN GUTHERIE, A. M., Ph. D., of Philadelphia, Pa. The Prophet. 1899.

L. DUNCAN BUCKLEY, A. M., M. D., of New York. Notes on the Absorption versus the Digestion of Milk. 1899.

WYATT JOHNSTON, M. D., of Montreal, Canada. The Iodine Test for Semen. 1899.

F. C. THEO. KRUGER, of New York. A Step Forward. 1899.

Report of the Home for Inebriates' Association of the Dalyrymple Home at Rickmansworth. 1899.

THE AMERICAN PUBLIC HEALTH ASSOCIATION, of Lansing, Mich. The Bertillon Classification of Causes of death. 1899.

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ANNUAL REPORT OF THE WYOMING GENERAL HOSPITAL, Rock Springs, Wyoming. 1899.

W. SCHEPPGRELL, A. M., M. D., New Orleans, La. The Progress of Rhino-Laryngology. 1899.

HON. RUSSELL SMITH TAFT, of the Supreme Court of Vermont. A Legal Medley. 1899.

W. W. IRELAND, M. D., of Scotland. The Care of Chronic Epileptics. 1899.

R. C. CHAMBERLAIN, M. D., of Rock Springs, Wyoming. Report of a Case of Foxtail Infection. 1899.

ELMER LEE, A. M., M. D., Ph. B., of Chicago, Ill. Practical Experiments in the Treatment of Cholera in Russia and Germany in the Epidemic of 1892. The Frequency of Apoplexy Among the Higher Classes, With Suggestions for its Prevention and Escape From Fatality. 1899. Treatment of Asiatic Cholera. 1899. How Far Does a Scientific Therapy Depend Upon the Materia Medica in the Cure of Disease? 1899. The Treatment of Typhoid Fever. 1899. The Medical Treatment of Appendicitis.

GEORGE M. EDEBOHLS, A. M., M. D., of New York. Chronic Appendicitis the Chief Symptom and Most Important Complication of Movable Right Kidney. 1899.

WILLIAM FRANCIS DREWRY, M. D., of Petersburg, Va. Epilepsy. 1899.

ORLANDO J. SMITH, ESQ., of New York. A Short View of Great Questions. 1899.

LEOPOLD STEINER, Wien, Germany, Bericht des Niederosterr. Landesausschusses Aber Seine Amtswirksamkeiit.

HUGH M. TAYLOR, M. D., of Richmond, Va. Diagnosis of Bullet Wounds of the Abdomen. 1899. Typhoid Perforation—Operation—Recovery. 1899. Perforating Ulcer of Duodenum—Operation—Recovery. 1899. Delay as a Factor in Unsuccessful Surgery.

PEARCE BAILEY, M. D. Simulation of Nervous Disorders Following Accidents. 1899.

ELMIRA STATE REFORMATORY. Year Book. 1898.

TRANSACTIONS of the Massachusetts Medico-Legal Society.

J. B. CASSODAY, ESQ. Lecture on John Scott and John Marshall.

Annual Report of the Kansas City and Pittsburg Gulf R. R. Company.

R. HARVEY REED, M. D. Appendicitis, When to and When Not to Operate. The Higher the Order of Railway Surgery, the Greater the Protection to the Employe, the Passenger and the Company.

SOREN HANSEN. Tidsskrift for Sundhedspleje.

WILLIAM W. SANGER, M. D. The History of Prostitution.

CLARK BELL, ESQ., of the New York Bar. The American Government and People and the English Home Secretay.

ALEXANDER WILDER, M. D. Medical Liberty. 1898. The Fallacy of Vaccination. 1899. The Ganglionic Nervous System.

WALTER S. LOGAN, ESQ., President N. Y. Bar Association. Address at Lake Mohawk International Arbitration Conference. 1899.

HENRY S. OSBORNE, Esq., London. The Logic of Vegetarianism.

HENRY S. SALT. The Ideal Publishing Company, London. 1899.

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MAGAZINES.

THE PHILISTINE, East Aurora, New York. The Roycroft Shop. Ten cents buys a single number and $1.00 pays for a yearly subscription and I don't think any man, woman or child ever regretted dropping a dollar into the hopper of the Roycroft mill.

Elmer Hubbard is an immortal—and an American immortal, and don't suspect it.

He has founded an American Academy of immortals at East Aurora—with an annual due of $1.00, which brings the Philistine monthly.

This same Elmer Hubbard is the Bursar of the Philistine and he will on receipt of $10 send the eight bound volumes of the Philistine of the Past and to each, one copy of each bound volume that the Philistines issue for ninety-nine years.

Speaking of these volumes that come from the Roycroft Shop of East Aurora, they are the quaintest, daintiest bits of book making that reach us.

"The Ancient Mariner," by Coleridge, is done so beautifully that Coleridge's ghost wearies watching for Elmer Hubbard's appearance in the shades to thank him for what was never done better in Coleridge's time.

We have not space for a list of their beautiful bits of book making, but Charles Lamb would have blossomed into smiles and gave us new jokes could he have seen Elmer Hubbard's specially illumined copy of his "Essays of Elia."

THE REVIEW OF REVIEWS. This superb journal continues its hold upon popular regard. The October number gives a portrait of President Paul Kruger, of the South African Republic as a frontispiece.

W. T. Stead gives a clear chronicle of the Dreyfus case. There is an admirable account of the Chicago Conference on Trusts, and "The Progress of the World," and the leading articles of the month are up-to-date. The number is splendidly illustrated and edited.

THE MEDICAL NEWS. Lea Brothers & Co., New York. This weekly journal, formerly published in Philadelphia, is now transferred to this city, where it has the old established journals as competitors. We never could understand why this journal, which had so fine a history and so splendid a position in the great city of Philadelphia, should have sacrificed it to come to New York for publication.

The Boston Medical and Surgical Journal, of Boston, one of the best medical weeklies on our continent, would be out of its mind to transfer its work from the Hub to the Metropolis, and probably never had the temptation to make such a change. The News does not seem to be as strong a journal here as it was in the Quaker City. Philadelphia was ever a very strong medical centre. It is a great city and its Philadelphia news and the field it used to occupy and fill so acceptably is surely not at all kept up since its transfer to Gotham.

Perhaps it is more profitable here in its advertising department to its proprietors, but we have always regretted its change from Philadelphia to New York.

PUBLIC OPINION. The Public Opinion Co, 13 Astor Place, N. Y. This is one of the best journals of its class in the United States. It is superbly edited and gives the very cream of the public sentiment of the hour as it is reflected by the press upon every prominent question as it comes up.

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PALL MALL GAZETTE. The October number contains an elegantly illustrated article entitled "Capitals of Greater Britain," devoted to Sydney, Australia, by Charles Short. William Archer continues his series of sketches descriptive of his recent visit to America entitled, "The American Language," following his "America To-day—The Republic and the Empire," which appeared in the September number. They are interesting to Americans, because they give the impressions of a man of keen observation who has rushed through our country on express trains and seen all worth seeing as he flew. They can well be contrasted with Americans who make the grand tour of the Continent and also of the British Islands in one hundred days and then write their views on each of the countries they have flitted through.

Mr. Archer, by the way, is quite above the average observer, and had fair opportunities during his brief visit. He should come for six months the next visit and one year the third, and he could then be well fitted to speak fo his American cousins.

W. Evans Darby gives a good account of the work of the Peace Society and its work in the October number.

SCRIBNER'S MAGAZINE. The illustrations of the article by Jesse Lynch Williams, of the Water Front of New York, in the October number, are the best we have seen anywhere, and will be a revelation to New Yorkers themselves, who do not keep pace with the strange metamorphoses that recent changes and improvements make in the rivers that environ New York.

An autobiographical sketch of Mrs. John Drew is commenced in this number, to be concluded in November, which is full of interest to old New Yorkers, who have so long admired the writer on our stage, but its peculiar value are the portraits which accompany it, admirably reproduced.

A most interesting sketch description of telephotography by Dwight L. Elmendorf, with reproductions from photographs he has made at long distances, is of intense interest. The finest of these reproductions are the Cathedral at Milan in one view and its Roof and Dome in another; the Jungfrau from Hoheweg Interlaken, sixteen miles distant, in two distinctly separate and different views, and two views of Popocatepetl from Hotel Jardin, Pueble, Mexico, thirty miles distant.

HARPER'S MONTHLY. The most extraordinary article in the October number is by Frederic Bancroft, entitled "Seward's Proposition of April 1, 1861, for a Foreign War and a Dictatorship."

Lincoln had the most unique and remarkable Cabinet that any American President ever put together. There was in it hardly two men of the same mind. It had no leader, no policy and no factions even. Lincoln himself best understood its value and the personel of the men who composed it. His Cabinet sessions were curios. He presided and asked each one for his opinion seriatim. It resembled a debating society. Rarely did three members ever agree on any line of policy. He heard them all always, and then acted on his own judgment.

The sketch by Mr. Bancroft is a historic curio, and gives only one view of a Cabinet which was never a unit and always differed on every question.

Mr. John Barrett contributes an interesting article on "Admiral Dewey," which is full of interest.

G. W. Stevens contributes an article on "France as Affected by the Dreyfus Case," from the standpoint of an eye witness of the second Court Martial at Rennes.

Mr. Stevens mistakes the action of a Court Martial of an officer of the French army for a violation of army regulations by a board of inferior officers, none above the rank of Colonel, selected by the Generals who were under fire themselves, and more on trial than Dreyfus, for the act of France. It was not France. It was not a judicial tribunal even; not a single Judge of all France was concerned in it. It was France, however, that by the action of its Government on information presented and fur-

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nished by the French Government had secured the reversal of the findings of the first Court Martial, and had ordered a retrial of the office under the order and direction of the Supreme Court of France. There is no higher or purer Court than the French Cour de Cassation. In no tribunal of the world is justice held more secure or safe, and so far as France is concerned and the French Government, they trampled on the findings of the Military Court Martial and set Dreyfus at liberty, in utter disregard of the action of the Military Court, because they believed him to be innocent and did not even wait for the hearing of an appeal. It was France that liberated Dreyfus after the finding of the second Court Martial; France that set aside for fraud, perjury and forgery, the finding of the first, and France, true to her past greatness and love of justice to the innocent, that made haste to break the bands that held him, despite the findings of the military tribunal.

THE CENTURY MAGAZINE. The September number of this journal was called the salt water number, and contains some of the most admirable selections of sketches of subject of the sea. The frontispiece was from an old engraving of fishing boats off Yarmouth.

Winslow Homer's "Maine Coast" is reproduced, as is "The Look-out," "All's Well," by the same artist, and a long series of sketches of Maine subjects with admirable illustrations.

THE ATLANTIC MONTHLY. The October number contains an admirable paper by Thomas Wentworth Higginson entitled 'The Road to England," containing reminiscences of Cardinal Manning, Mr. Gladstone, Charles Bradlaugh, Queen Victoria at a review, and many others.

T. N. Larned writes lugubriously under the head of "The Flaw in Our Democracy," coming to the sage decision that representative government in America has failed to satisfy him of its enduring permanency, because "of the sickening decadence of the Senate" on one hand and "the organizing politician" on the other.

To Mr. Larned's vision Mr. Croker and Tammany Hall stand like an insuperable barrier before the permanent prosperity of the Democracy of the Constitution. He holds out "political expediency" as the panacea for all our ills, and if this don't cure us, he can't see a ray of hope in the dim and dark and uncertain future.

Mr. Croker and his associates will walk over the fears of the Larneds of this life, without stopping to think of their fears, and the triumphant Democracy of the nation will go on like Tennyson's brook, "forever and forever."

THE LADIES' HOME JOURNAL. This journal is edited with great ability and published with much energy. The October number has an interesting chapter of "Anecdotes of Admiral Dewey." Rudyard Kipling writes on "The American Girl," illustrated with seven heads as types of beauty, which with marvelous good taste are not named or labeled. Margaret Altston contributes a paper on "Her Boston Experiences," very finely illustrated, and Franklin Fayles, dramatic editor of the New York Sun, tells admirably "The Story of the Theatre." William Perrine writes entertainingly of "The Last Year of Washington's Life."

THE NORTH AMERICAN REVIEW, New York. The October number contains several articles of great value on current questions. Dr. F. V. Engelenburg, editor of the Pretoria Volkstern, writes on "The Transvaal View of the South African Question;" Prof. J. B. Moore, on "The Alaskan Boundary;" Bishop Potter, on "Some Social Tendencies in America;" Sir Charles W. Dilke, Bt. M. P., on "America and England in the East," and M. de Blowitz, the Paris correspondent of the London Times, gives a very careful analysis of "The French Press and the Dreyfus Case."

THE JOURNAL OF MENTAL SCIENCE. J. & A. Churchill, London. This valuable quarterly came last April. A. Wood Renton, Barrister-at-

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Law, contributes a leading article on "The New Inebriates Act;" W. Lloyd Andriezen, M. D., writes on "Classification in Mental Disease," and Conolly Norman, M. D., of Berlin, on "Considerations on the Mental State in Aphasia." The French Retrospect is by Dr. Rene Semelaigne; the German, by Dr. J. Bresler; the Belgian, by Dr. Jules Morel; the Dutch, by Dr. F. M. Cowan; the Danish, by Dr. A. Friss; the Italian by Prof. Bianchi. Dr. Havelock Ellis contributes the "Retrospect of Physiological Psychology," and Dr. W. Ford Robinson the Italian Retrospect.

The editors now are Henry Rayner, M. D., A. R. Urquhart, M. D., Conolly Norman, F. R. C. P. I., and Edwin Goodall, M. D.

SOCIETY FOR PSYCHICAL RESEARCH. Keagan Paul, French, Trubner & Co., London, Part XXXV, of Vol. XIV, for July, 1899, is on our table. Alice Johnson contributes four chapters and as many appendices on "Coincidences," and Prof. Chas. Richet on "The Conditions of Certainty."

The Supplement contains "The Form of Apparitions in West Africa," by Mary H. Kingsly; "Notes on Occultism in West Africa," by J. Shepley Park, M. D. F. C. S. Schiller's reply to Prof. Munsterberberg on "Psychology and Psychical Research." Dr. F. W. Hellyerss writes on "Dr. Morton Prince's Experimental Study of Vision."

Among the Reviews is one by Prof. W. Romaine Newbold on Judge Daily's "Mollie Fancher."

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THE
MEDICO-LEGAL JOURNAL.

Published under the Auspices of the Medico-Legal Society of New York.

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The following are the EXCHANGE JOURNALS.

Archives Italian,
Archivio Giuridico,
Archives d'Anthropologie Criminalle,
Alienist and Neurologist,
American Journal of Insanity,
American Law Register,
Archives of Pediatrics,
Archives de la Psychiatrie Clinique et Legale et de Neurologie,
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Albany Law Journal,
American Microscopical Journal,
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Annals Univ. Med. Science,
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American Medical Journalist,
Amer. Monthly Retrospect,
Amer. Journal of Med. Science,
Applied Microscopy,
American Economist.
American Lawyer,

Buffalo Medical Journal,
Boston Medical and Surgical Journal,
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Case and Comment,
Canadian Practitioner,
Central Law Journal,
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Canadian Journal Med. Surgery,
Cleveland Journal of Medicine,
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Der Irrenfreund,
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Del Kongelige Sundheds-kollegiums,
Davenport Acad. of Nat.
Detroit Legal News,
Dietetic and Hygiene Gazette,
Dunglisan Col. & Clin. Record.

English Lunacy Commission.

Fordhand Svensta Lakare Sallskapts,
Fort Wayne Med. Jour.,
Fishing Gazette,

Guy's Hospital Reports,
Gazette del Tribunal,
Giornale di Neuropatologia,
Gerichtl Zeitung, Vienna,
Gazette des Hopitaux,

Hygiea,
Harvard Law Review,
Holstein Friestin Register,
Hot Springs Med. Journal,

Illinois State Board of Health,
International Journal of Surgery,
Index Medicus,
Iowa Law Bulletin,
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Johns Hopkins University,
Journal of Inebriety,
Journal of Medical Sci.,
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Kansas City Med. Index,
La. Pal. la Neurol e Sci.,
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London Lancet,
Littell's Living Age,
Law Quarterly Review,
Le Progress Medicale,
Louisville Medical News,
Lunacy and Charity,
Literary Digest,
Legal Intelligencer,
Lancet Pub. Co.,
La Habana Medica.
Law Students Journal.
Literature,

Mass. State Board of Health,
Medico-Legal Society of Massachusetts,
Medical Review of Reviews,
Medical Annales,
Medical News,
Messenger of Neurology and Forensic Psycopathology, St. Petersburg,
Medicine,
Menorah Monthly,
Madras Law Journal,
Medical Fortnightly,
Medical Mirror,
Metaphysical Magazine,
Modattscarfft fur Unfallheilkunde,
Medical Herald,
Mind,
Medical Sentinal,
Med. and Surg. Bulletin,
Medical Bulletin,
Medical Register.

North American Reivew,
New Orleans Med. and Surg.
New York Med. Record,
Nordisk Medicinskt Arkiv
N. Amer. Journal of Diagnosis and Practice,
North American Med. Review,
N. C. Med. Journal,
N. Y. Albambra.
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Pacific Record of Medicine and Surgery,
Personal Rights,
Phrenological Journal,
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Penn Yan Democrat,
Pa. State Com. of Lunacy,
Public Opinion,
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Public Health Journal,
Printer's Ink.
Penny Magazine.
Perry's Magazine.
Providence Medical Journal.

Revue De Medicine,
Revue Medicale,
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Railway Surgeon,
Railway Age,
Revue de la Hypnotisme,
Revista Cienceas Medicas,
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Revista de Antropologie Criminella of Sciencias Medico-Legales,
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Revista de Neurologie

Scotch Board of Lunacy,
Sanitarian,
Sanitary Record,
Smithsonian Institute,
Societe Medicine Legale de France,
Society D'Anthropologie, Brussels,
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Scienza Italiana,
St. Louis Courier of Med.,
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Spirit of the Times,
Suggestive Therapeutics.
Suggester and Thinker.
Spectator.

The Hahnemannian,
Tennessee State Board of Health,
The Journal of Miss. State Med. Ass.
The Cape Law Journal,
The American Journal of Psychology,
The Green Bag,
The Open Court.
The Freeman,
The Arena,
The Monist
The Cosmopolital Osteopath,
Texas Sanitarian,
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The Therapist,
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The Public,
The Texas Clinic,
The Flaming Sword,
The Raven.
The Coming Age,

Union Industrial Droit Penale,
Universal Med. Sciences,

Virginia Law Register,
Virginia Medical Semi-Monthly,

Woman's Med. Journal,
Western Reser. Law Journal,
Weekly Law Journal,
West Virginia Bar,

X-Ray Journal.

Yale Law Journal,

Zeitschrift fur Schweizer Strafrecht,
Zeitschrift fur Psychiatre

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The Supreme Court
OF THE
States and Provinces of North America.

VOLUME I.

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Series 1—Texas, Kansas. Series 2—New Jersey, Oregon. Series 3—Alabama, Georgia and New Brunswick. Series 4—Pennsylvania, Delaware. Series 5, Part 1—Connecticut; Series 5, Part 2—Rhode Island and Santiago de Cuba. Series 6, Part 1—Minnesota and New Hampshire; Series 6, Part 2—Ohio. Series 7—The addenda of all the names by States to bring them up to 1900.

Vol. II. will Continue the History of the Supreme Court

in other States, which will be taken up in the order in which the information is obtained to enable them to be completed.

Much pains and labor has been given to the preparation of the sketches of the members of the Court and to obtain authentic Portraits of the present Bench in each State or Province and to reproduce them.

The History of the Supreme Court

has been prepared under the supervision of the Chief Justice of the State, or some prominent member of the Bench or Bar of the State, and no pains or expense has been spared to make the work authentic and reliable. It has been issued in part in serial numbers, and can be obtained still in that form, at the price of $1.00 each. The work has been edited by

Clark Bell, Esq., of the Bar of New York City.

Subscriptions to the same are requested from the Bench and Bar. Also for copies of portraits of members of the Bench of other States, now needed for Vol. II., in course of preparation. It is published by the

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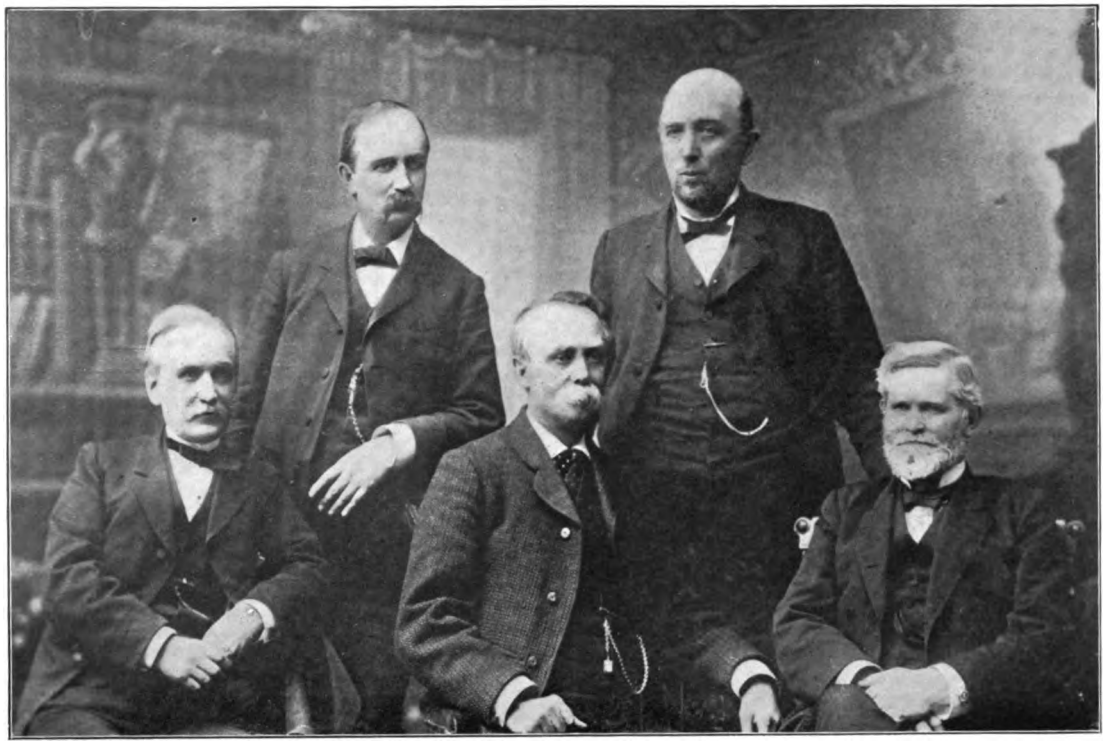

SUPREME COURT OF OHIO.

Commission of 1883—1885.

HON. GEORGE K. NASH. HON. JOHN MCCAULEY.

HON. FRANKLIN J. DICKMAN. HON. MOSES M. GRANGER. HON. CHARLES D. MARTIN.

From advance sheets Supreme Court of the States and Provinces of North America.

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CORPORAL PUNISHMENT AND CRIME.

BY W. H. S. MONCK, ESQ., OF THE DUBLIN BAR.

The corporal punishment of criminals is a very wide subject, and I shall not attempt a full discussion of it or examine in detail what other members of the Medico-Legal Society have said or written on it. Indeed, a full discussion of the question of whipping alone would occupy too much time and space. I shall, therefore, confine myself to some remarks on the subject which, I hope, may not prove entirely unconnected.

Commencing with the Mosaic Law, to which reference is often made, it contains no provision for imprisonment, which is at present our most ordinary punishment for criminals. Moses, in fact, had no prisons, and prisons, throughout the Bible, seem to have been used as places of detention or safe custody, not of punishment—the inmates being untried prisoners, not convicts. Other early legal systems present the same feature. With the exception of restitution and fines, all punishments were thus corporal, and they were chiefly reducible to three: death, whipping, and mutilation, in accordance with the *lex talionis*. Very few persons would, I think, now desire to revive the Mosaic Criminal Code and to abandon our imprisonment system, while the *lex talionis* has been expressly condemned in the New Testament. This being so, I think no argument in favor of capital punishment, whipping, or of any other kind of corporal punishment, can be drawn from the fact that it was included in the Mosaic Code.

The disgrace involved in whipping is supposed by some

Read at the December meeting, Medico-Legal Society, 1899.

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to have a deterrent effect on criminals and intending criminals, though perhaps the persons who use this argument tell us that they would apply the punishment only to hardened brutes who do not mind the disgrace and do not feel degraded by the infliction. Here let me remark that the disgrace attached to any punishment depends to a large extent on its infrequency. No punishment which is in use every day on persons of all ranks, will be regarded as very disgraceful, and this actually occurs with whipping in some Oriental countries, where statesmen are not exempt from that punishment. And there are also public schools in which, owing to its frequency, whipping is not regarded as any disgrace. It is one thing to be the only boy (or girl) out of one hundred who is considered bad enough to be whipped and whose whipping will, therefore, be long recollected, by the others, as a remarkable incident in their school-life, and it is quite a different thing to be one of a large number of whipped persons whose individual chastisement will soon be forgotten, owing to the constant recurrence of similar incidents. In religious houses, too, whipping was not regarded as disgraceful and was often self-inflicted, and I am not sure that this practice (as well as its use in penitential discipline) has quite died out. If whipping is made an ordinary punishment, the element of disgrace will soon sink to very narrow proportions. The chief reason why it is considered more disgraceful in the case of girls, than of boys, is that it is more unusual.

But then it is painful, and pain has a strong deterrent effect. Pain has a deterrent effect, but its efficiency in this respect may be easily overrated. The foot-baller or cricketer often suffers a good deal of pain, but he does not give up the game on that account. The pugilist expects to suffer pain every time that he fights. The element of danger is indeed often rather an incitement to sports than

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the reverse, yet the danger almost always includes the risk of tedious and painful injuries, as well as of death. What would become of our armies if the soldiers feared pain, or of persons suffering from infectious diseases if the nurses feared it? I have already referred to persons voluntarily undergoing pain from religious motives, and I could give many other examples. It is a fact, I believe, that schoolboys have sometimes asked to be whipped instead of being kept in-doors and forbidden to engage in their usual amusements, and if some letters on the subject can be trusted, girls have sometimes made a similar choice. Again, pain derives much of its terrors from being unusual and unknown to the offender. The anticipation is worse than the "corporal sufferance." A person who has never undergone or witnessed a whipping, or been intimate with one who underwent it, may look forward to it as something very dreadful, but if it becomes a common punishment it will soon assume a different aspect. The prisoner reflects that what others have borne, he can bear; that shortly afterwards they did not seem much the worse of it, and that when asked about it they made light of it. And there can be no doubt that a man's power of bearing pain increases as he becomes used to it. As a rule, long and painful illnesses are borne patiently.

But we are told that the man who is convicted of a crime for which he is liable to be whipped, first begs the judge to let him off that penalty and then petitions the executive for remission of it, and finally roars loudly when he is being whipped. Be it so. What does it prove? The very same thing often occurs in the case of a naughty child, but is it not a fact that it is usually the very same boys who are whipped again and again? I am not now referring to "juvenile offenders," but to whipping in schools and families. A reformation effected by a single

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whipping is here the exception, not the rule. The most ordinary cases are those of no whipping and repeated whipping. Yet the child who has been repeatedly whipped probably exhibited all these symptoms of terror and pain on the first occasion. I read, not long ago, of the case of a girl whipped for pilfering (at school) who screamed loudly at the time and was detected committing the same offence on the next day. Some persons feel very strongly at the moment, but their feelings are very transient. A great exhibition of terror and loud cries of pain afford no guarantee of permanent amendment. If we take any school in which the rod is in use, the chances are that the child who has got most of it in the past, will get most of it in the future. It is a great mistake to estimate the deterrent effect of any punishment by the feelings of the culprit at the time of infliction or shortly before it. Capital punishment would have an enormous deterrent effect if we were to measure that effect by the feelings of the doomed man when the day of execution is close at hand. But when he committed the crime (supposing that it is not committed under the influence of some passion which prevented him from reflecting at all) he probably expected to escape even suspicion and arrest. Then he has his chance of acquittal or disagreement of the jury, or of mercy after conviction. The chances that he will be hanged are, in his own opinion, very small, and he is as ready to risk a good deal on the throw of a dice as a gambler is. In cases where no crime is concerned, a man may risk his life recklessly, yet feel terrified when brought face to face with death, while on the other hand he may behave with calmness and presence of mind when in danger, and yet resolve not to act so recklessly again.

But I am told that criminals who are whipped very seldom incur the penalty a second time. Be it so. That is

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a natural consequence of the unusualness of the punishment as long as it continues to be unusual. A man may be a habitual offender and yet not incur an unusul sentence a second time. Speaking of the English practice, whipping is never compulsory. In cases where the law permits it, the infliction is left optional with the judge or presiding magistrate. Many judges and magistrates decline to pass sentence of whipping at all. Others confine it to cases of unusual aggravation, and the number of crimes for which it can be inflicted is small. In the case of juvenile offenders there is also an age-limit, and a boy cannot be whipped if he is over that age. It is not then surprising that criminals who have undergone two or more whippings are not very numerous. But can we suppose that juvenile offenders are unlike other juveniles and become reformed characters after one whipping when other boys rarely escape with a single infliction? I believe nothing of the kind.

I have no belief in the alleged results of experience when merely stated in general terms. An ounce of statistics is often worth more than a ton of opinion. When a man has imbibed, in early life, a predilection for any punishment or any criminal system, he will usually see everything in experience that tends to confirm his previous opinions and nothing that conflicts with them. The opinion of a man who has changed his mind in consequence of experience is indeed usually entitled to some weight, because the change affords some evidence of close observation, independence and impartiality. But the man whose opinions have never been changed or modified by his experience, but who, nevertheless, confidently appeals to experience in support of them, is seldom worth attending to. We have a controversy going on, as I write, with respect to the creation of a Court of Criminal Appeal in England.

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Barristers and solicitors of long standing write to say that their experience has satisfied them that the Home Office is a better appellate tribunal than a Court of Criminal Appeal would be. Now, as to what a Court of Criminal Appeal would do in any given case, they can have no experience whatever, and as to what percentage of the decisions of the Home Office are right, they have really no real experience either; for, as a rule, they can have no knowledge of the innocence or guilt of the appellants, except that a secret tribunal, which assigns no reasons for its decisions, has allowed or rejected the appeal. But the very question at issue is what percentage of these allowances or rejections are right.

There is, I think, no satisfactory evidence that whipping is a peculiarly efficacious punishment, while there is a good deal of evidence to the contrary. In almost all civilized countries it is falling into disuse in every department—not merely in the punishment of criminals, but in the army and navy, in the correction of children, in the maintenance of discipline in public institutions and asylums, and in fact in all cases where it was formerly resorted to. I do not think the young people of the present age are worse than their predecessors, though they get much less whipping. I do not think that girls are worse than boys, though they get much less whipping. I do not think that children who have been whipped are, as a rule, any better conducted than those who have not; and if I were going to employ a discharged convict, I would give the preference to one who had not been whipped.

I have no belief in punishing any man *because* he deserves it. The object of state punishment is, I apprehend, to protect the citizens and to prevent crime. Anything more than is required for these purposes, is unjuitifiable cruelty. A man may deserve to be torn in pieces by wild

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horses, yet if nobody would gain anything by punishing him, no punishment ought to be inflicted by the state. But further there is no reliable measure of what any man deserves. Describe a crime to a dozen different persons and you will perhaps have a dozen different opinions as to what the perpetrator deserves; and moreover nobody can estimate the criminal's real demerits without knowing his previous history, his motives and his surroundings. If we have to punish a thief according to his deserts, we have to compare personal property with physical suffering, and there is no standard by which we can decide how much of the latter is equivalent to a given amount of the former. The only mode of measuring ill-desert, that I know of, is *lex talionis;* and this is inapplicable to the thief whenever he has not the means of making restitution. We cannot take valuable property from him if he has no valuable property to be taken. If we whip him, how many strokes does he deserve? I know of no means of arriving at a satisfactory answer. There can be no equivalence in quantity between two things that are dissimilar in kind. Even the *lex talionis* is really unequal in its application. "An eye for an eye and a tooth for a tooth" is a very rough rule for adjusting crime and punishment. One man may have a bad eye or a loose tooth which were not of much value, while with another both are perfect, and perhaps his whole means of livelihood depends on his sight. Then there is a difference between a hasty blow which, aided perhaps by negligence or unskilful treatment, results in the loss and the deliberate destruction of the organ—to say nothing of the element of provocation. But our criminal system introduces a further element of difference between the crime and the punishment. The offender is seized and carried off to prison, to the injury of his trade or occupation. He has to bear all the costs of his own defence. His crime

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and his punishment are published to the world, and finally he has probably to remain for some time in prison in order to enable the punishment to be carried out. There are thus a number of elements which make the punishment worse than the injury for which it is inflicted, even when the *lex talionis* is adhered to as closely as the circumstances will permit. In England, in the case of adults, the sentence is always one of combined whipping and imprisonment. Assuming that the prisoner is whipped in accordance with the *lex talionis*, why is a term of imprisonment, quite outside of that old-fashioned rule, superadded? Or why is one act of violence punished by two or three whippings? The Mosaic law does not provide either for the combination of whipping with imprisonment or for repeated whippings, inflicted for the same offence. And if whipping is so effectual a punishment, why should more than one whipping be required in any case? Then there is a general objection to almost every kind of corporal punishment, viz.: that it tends to brutalize the people, especially when the sentence is carried out in public. That a public whipping is a brutal exhibition and calculated to do harm to the spectators (especially to the young) will, I think, be conceded in case the victim is innocent; but how is the case really altered on the assumption of his guilt? The spectacle is the same in both instances and it has a demoralizing effect similar to that of a bull-fight or a dog-fight. Public hangings and public floggings have been abolished long ago in England. But has this abolition got rid of the evil? Graphic descriptions, with illustrations, appear in low-class newspapers, which figure largely in the windows of print-shops and can be purchased for a penny or two-pence; and I may add that while such public exhibitions are demoralizing, privacy often deprives the punishment of much of its deterrent effect. Those who con-

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stantly inflict the punishment are most likely to be injuriously effected by it; but they are often policemen or warders who ought to discharge (and are expected to discharge) their other duties with as much humanity as is consistent with firmness. A brutal policeman or a brutal warder is even more undesirable than a brutal judge. Whatever the prisoner's demerits may be, the constant dealing out of brutal punishments will harden and coarsen the minds of all who are engaged in it.

There is moreover a practical objection of another kind. Some judges, if allowed discretion, would use the lash on every possible occasion, while others would never employ it unless compelled to do so. A punishment which is unequal in its nature, is thus rendered more unequal in its administration by the divergent views of different judges in relation to it. If made compulsory, a similar question would arise as to the number of strokes, some adopting the maximum and others the minimum number for the same offence. It is true that in every case in which the sentence is left largely in the discretion of the judge, a diversity of practice will spring up, unless corrected by an appellate tribunal, because some judges will always be severe and others lenient. But there is a difference between a lenient judge and a judge who objects on principle to the employment of a particular punishment. The men who escape whipping under one judge may be much worse than those who undergo it under another judge. Hanging may be made a compulsory sentence, because it admits of no degrees, but in whipping the number of strokes and the instrument makes a very material difference, and these particulars can hardly be fixed by law in such a manner as to exclude the discretion which different judges will exercise in a different manner. Anything like a uniform practice and a fitting of the punishment to the crime seems, in the

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case of this punishment, to be unattainable. I may add that any punishment from which offenders of one sex are exempt, are liable to become unequal in application. Of two joint offenders the female may be the worse, but the male has incurred a penalty from which she is exempted. Now there is nothing more calculated to render the public dissatisfied with our penal system than gross inequalities in its application, and in the case of whipping I do not see how such inequalities can be avoided. This evil attains its maximum in England, where there is no court of criminal appeal, and both whipping and non-whipping judges carry out their respective views without any interference on the part of the Home Secretary.

That the prison system has its drawbacks, must of course be admitted, but I think those of the corporal punishment system are greater. At all events the latter system does not admit of much improvement. Electrocution does not seem to possess many advantages over hanging, and I do not know that many improvements in the mode of inflicting whippings have been made during this progressive century. On the other hand the prison system has been improved and is susceptible of much further improvement. It can be rendered at once more reformative and more productive than at present. Every able-bodied prisoner should earn his own bread while in prison, and should, in the great majority of cases, be a better man when he left than when he entered. The improvement of our prison systems is one which has attracted much attention, of late, at both sides of the Atlantic, and there is every reason to hope that it will be carried on until really good results are attained. The substitution of corporal punishments for imprisonment, at such a juncture as this, would, I think, be a very unfortunate step. It would be the substitution of an unimprovable system of punishment for one which is at pres-

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ent in a state of rapid progress. A perfect system of punishment is indeed impossible. All systems have so many defects that humanity is not the only reason why we should desire to see punishments constantly standing at the irreducible *minimum*. The smallest amount of punishment which will adequately protect the lives, liberties and properties of the people, is the amount which should be aimed at by the statesman no less than by the philanthropist. The statesman, like the general, should aim at attaining his ends with the least possible loss to those who are under his orders. He may have to sacrifice a large number of lives in order to gain his object, but he should never sacrifice them unnecessarily. He should keep his object steadily before him and sacrifice nothing that does not contribute to its attainment. Malice and revenge are as much out of place in the court house as in the battle field.

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THE DREYFUS CASE.

BY HOWARD ELLIS, ESQ., OF NEW YORK CITY.

A famous English Judge, Chief Justice Willes, said that one of three things made a great lawyer: a miracle, special pleading, or the assizes; either the highest appreciation of the relation of man to government, a man of genius; a clear knowledge of the process of legal thought, a pleader; or an exact perception of the circumstances and incidents of human transactions, the knowledge of the rules of evidence. The office of the lawyer is the ascertainment of moral truth; that condition of facts which exhibits a man in relation to his fellow. To reach this conclusion, and to submit to an adjudication, is the duty of the practitioner.

It is evident that the determining body, the court, must be in a receptive condition of mind to accept and act upon the facts presented to them. All favor, fear or affection must be expelled, that a sound, a sane judgment may be declared. "A sane mind in a sound body" is the first requirement of a judge. Observation will show that great jurists have been distinguished by fine health and temperate minds. In the selection of jurors, men of equable mind are called for the general panel, and in the jury box. The reputable citizen is put upon the panel, and the unprejudiced man is chosen for the jury itself. When the trial body is both judge and jury the highest sense of just conduct must be exercised, a sense of honor. In the application of criminal justice this sense must be acute.

In modern times, this authority is entrusted to the discretion of administrative bodies only, the most notable of

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which is the court-martial. That tribunal is chosen from officers of clear faculties and high character, and any departure in the selection, or in their action, arouses universal alarm and condemnation. The consideration of the action of such a body of men interests alike the physician and the lawyer, and is peculiarly a matter for discussion before this society. The operations of the mind must be tested by sane conclusions, by sound determinations; the former the function of the doctor, the latter that of the lawyer. The examination of the trial of Captain Dreyfus, because of the intensity of the public interest, and the unbroken line of criticism (every one participating in it) becomes a fit subject for our consideration.

To say that the procedure in his case has shocked mankind is not enough; it has appalled the nations. The aid of the French Bar, that marvel of ability; the learning of the Academy—the Immortals, and the wise patriotism of the foremost statesmen, were all rejected, while the insolent assertions of military intolerance were not only received but invited. Justice and humanity are the distinct features of civilization; one finding its expression in war, the other the protection of the weak. In a forum comprised by a court-martial the purest administration of human justice should be found. Exact evidence and broad principle only must direct such a body. To assume that any control, within or without, personal prejudice or public passion, may interfere, is intolerable. When force and injustice move together to degrade or destroy, the cry arises: "Man's inhumanity to man makes countless millions mourn."

High and universal condemnation of the Dreyfus court-martial is the judgment of the peoples, and this is the arraignment of a nation. No plea of defense has yet been

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heard, neither will it be heard. Confession and contrition alone will "purge the general weal" of France.

In the beginning of our jurisprudence, in the feudal times, the jury was composed of the witnesses, and justice was sharp and swift. Now the refinement of procedure has made prominent the aid of expert testimony Convenience has become a necessity, with that tyrant's methods. Necessity knows no law, because it cares not to know. But when harsh justice is administered at a tyrant's hand, then the end has come. The court at Rennes, dominated by the feudal spirit which the "Revolution" did not destroy, and animated by wilfulness of opinion, has mixed elements of adjudication, possibly benign when separate, but when combined have produced a force which disrupted justice. England in her most cruel age, France when mercy took her flight, do not show so heartless an act as the outcome of the trial of Alfred Dreyfus. And a court of honor was a divided court. Persecution has exhausted her torments, and her cry of the law is a blasphemy.

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DYING DECLARATIONS.

A FEW SUGGESTIONS BY ANDREW J. HIRSCHL, ESQ., OF CHICAGO.

It is passing strange that, upon a topic of this importance, so little has been done in our system of jurisprudence.

Before considering what improvement could be attempted it may be well to recall the present status of dying declarations.

They are limited not only to criminal cases, but narrowly to one branch, and that is homicide. In this case, and only in this case, are they admissible, and even there are to be rejected unless the declaration was made at the time when the declarant must have been actually "in extremis," and further under a sense of impending death, and without hope (or as some say, the slightest hope,) of recovery.

What, under these conditions, is said may, in case death actually ensue, be by the bystanders repeated upon the trial.

The theory upon which they are admitted is first, that the declarant, under the solemn circumstances requisite, must have felt fully impressed with the responsibilites of the future life, and hence prompted to speak the truth, just as if an oath had actually been administered, and secondly, through the necessity of the case, it being homicide, and the victim being often the only witness, the assertions made by the victim would be the sole testimony

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connecting the accused with the offence, and if it were not admitted murder would inevitably go unpunished.

The purpose of this paper is not to criticise the very salutary principles above referred to, but on the contrary, to suggest making them more efficient, more practical, and of greater extent.

As stated, the rule is applied only in criminal cases, but no adequate reason (except that the custom has thus been established) exists why it should not also be used in civil cases.

The general principle is that a party accused in a criminal litigation is more leniently dealt with, in every respect than is a party accused in a civil litigation. In this we see the dying declaration to be a marked exception, as it is admissible against a defendant in a criminal complaint, and not against a party in a civil litigation.

A person injured in a railroad accident, or other disaster and conscious of immediate dissolution, is surely under as great a solemnity of ultimate responsibility as any one, and his expressions thus made should be allowed as evidence in subsequent litigation, though of a civil nature. True, it may be said that even there he might wilfully lie, with a purpose of fixing the blame upon some one else, and with the expectation of enabling his dependants thus to obtain compensation through the courts, but the same reasoning should exclude, from a criminal trial, the declaration made by the victim of the assassin, because, while indeed it may not have been made with a purpose of aiding the dependents to recover pecuniary compensation, it still may have been made under motives even more powerful, namely, hatred or revenge. "Revenge is sweet" may be in the mind of the declarant.

> "Heaven hath no hate like love to anger turned,
> And Hell no fury like a woman scorned."

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Under these circumstances, the oath in the court room has frequently been violated, and no doubt the awful moment, at the brink of eternity, has frequently failed to force absolute truth upon the lips.

But in whatever way, and for whatever purpose, dying declarations be used there should properly be a modification of the conditions under which they are accepted.

As noted above, the declarant must be essentially without hope, or, as some say, without the slightest hope, of recovery when uttering the declaration. In the majority of instances, quite naturally, and indeed necessarily, the physician is a witness and probably the sole witness to the dying declaration.

The first duty of the physician is to encourage the patient. Even laymen know that words of cheer (though the speaker himself lack confidence in them) are better than words of discouragement. Patients often rally from the most critical condition when brightened up and aided by strengthening words of the physician or friends, and again, patients, often in a fair way of recovery, have been thrown into despair and death by the doleful utterances of those surrounding them.

It is, therefore, quite difficult and strangely inconsistent for the medical man, upon the one hand, to exert himself by way of stimulating, encouraging and strengthening the patient with cheerful words provocative of hope of recovery, and at the same time, for the purposes of the law, to treasure up the assertions of one who must, of his own comprehension and that of the physician's, be at the time without any hope of recovery.

Pretermitting all reference to the various constitutional or statutory provisions and safeguards, such as trial by jury, and the confronting of witnesses, and the presence of witnesses in court, (because, if necessary all these could

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be changed or modified,) and not undertaking, for the present, to point out in detail the execution of any reform, let it suffice to suggest that physicians, by virtue of their office, should have power to administer oaths, and hence could place the patient under the responsibility of an oath while arousing in him the hope of recovery.

Provision might be made that the physician thus take the statement of the patient, and if time and circumstance permit, that the party to be affected be notified of the same, and have afforded him an opportunity, either before the same physician, or before some one else authorized to administer oaths, to cross-examine the declarant. If the party to be affected be not known or not accessible, some public official, as for instance the State's Attorney, or perhaps some justice of the peace, or judge of a Court of Record, or perhaps some commissioner to be appointed by such judge, should be charged with the duty of such cross-examination, and the same should be put at the disposal of all parties who may be found in interest.

Or yet again, the physician himself might, by force of law, if no other plans be practical, be authorized to conduct somewhat of a cross-examination, at least to the extent of testing the mental capacity, the motive, the memory, the perceptive powers, and in general the truthfulness and accuracy of the declarant.

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PSYCHOLOGICAL STUDY OF JURORS.

BY T. D. CROTHERS, M. D., SUPT. WALNUT LODGE HOSPITAL, HARTFORD, CONN.

The uncertainty of jurors, and the capricious, whimsical character of their verdicts, are accepted as inevitable, and explained as part of the natural weakness of the mind. It is assumed that, if the facts are clearly presented, a jury will give a common sense verdict, which will approximate the truth and human justice. Where they fail it is due to the confusion of testimony, the misrepresentation of counsel, and the general perversion of facts. Many thoughtful men consider the judgment of twelve men, who are disinterested, superior, and on general matters of dispute, of far more reliable character than the judgment of one trained man. Yet, literally, the verdicts differ widely, and can never be anticipated; and, whether wise or unwise, are clearly due to other influences than the commonly supposed conflict of facts and motives of truth and justice.

While it would be difficult to doubt the motive and intent of the average juror to be just and fair in his conclusion, it would seem that certain conditions and surroundings make it impossible in most cases, to either understand the case in question or the principles of equity involved. The theoretical and ideal jury, to whom are daily referred questions of life and death, and often momentous interests concerning families and individuals, is never seen in real life. The delusions of the court room, that the twelve men set apart for this duty are endowed with a large and

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sufficient mental capacity for the discernment of justice, is far from being actually true.

From a medical and scientific point of view, the average twelve men, who are appealed to by the counsel and judge to wisely determine the issue of a case, are usually incompetent naturally, and are generally placed in the worst possible conditions and surroundings to even exercise average common sense in any disputed case.

In a recent noted trial, out of a panel of one hundred jurors, twelve men were finally selected, after a long, searching inquiry. Five of them were farmers, who worked hard every day in the open air, men who were unaccustomed to think or reason, except in a narrow way along their own surroundings and line of work. These men all swore that they had not read any details of the case, although it occupied a large share of public attention, and had been discussed freely in all the papers. They were muscle workers, with but little mental exercise, living on coarse, healthy food, and sleeping from early evening to early morning. Of the rest of the jury, one was a blacksmith and two were mechanics, all steady workers; one was a horse trader, one a grocery man, one a retired farmer and trader, and the last man was an ex-railroad man who had no business. Every one of this jury was accustomed to be in the open air, and had not read details of the case, although he had heard it talked over. Not one of these men would have been chosen to take charge of any trust, or to decide on any other matter outside of his everyday life—simply because, on general principles and from common-sense observation, he would have been considered clearly incompetent.

For ten days this jury was confined from five to six hours a day listening to the testimony of the mental capacity and motives of the maker of a will that was dis-

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puted. Of course, they disagreed; and had they reached a unanimous verdict, its wisdom and justice would have been a matter of accident.

In a celebrated case tried in an interior town in New York, a most complicated chain of circumstantial evidence involving the questions of concealed motives of unusual acts and conduct, of blood-stains, of the accuracy of chemical and microscopical work, of different opinions of competent men, was submitted to a jury of the following persons: one carpenter, one wagon-maker, three coopers, two farmers, one groceryman, one contractor, and three nurserymen. These men all testified that they had not formed an opinion on the case, although it had been town talk for months. Not one of them could naturally have given an intelligent opinion on any of the issues of the case, even if they had been presented in the most impartial and simple manner by the judge. When two opposite views were urged by opposing counsel in an adroit partisan manner, the utmost mental confusion would be inevitable.

This particular jury was not only incompetent naturally, and by want of training, to discriminate facts that were unfamiliar, but its members were unaccustomed to consider any range of facts compared with others to determine which were true.

In a third celebrated case, a jury composed of four fishermen, two shipbuilders, two stonecutters, one clerk, two merchants, and two persons of no business, was asked to decide on the facts of one of the most mysterious cases of poisoning. A number of expert witnesses and shrewd lawyers extended this case two weeks, and gathered a mass of statements that only the most astute judge could have disentangled. These jurymen were not only bewildered, but were mentally palsied by the appeals of counsel.

The methods of selecting jurors are thus literally open

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doors for the defeat of the very purposes of justice. The ostensible purpose in the selection of a jury is to secure men of honesty, intelligence, and courage to reach unbiased conclusions in accord with the facts. In reality the the practice is to gather men who can be influenced by the counsel—men possessing some defect and weakness which can be taken advantage of by one side or the other.

The issue of the case will depend on the influences which can be brought to bear on the jury. Usually, jurors are rejected when they swear that they have formed an opinion; but when they assert that such opinions are subject to change from evidence, and are not fixed, they are accepted. The real qualifications would seem to be availability, credulity, ignorance, and possibility of personal influence by persuasion, flattery, and appeals to some personal bias that may be known. Each counsel is interested in selecting twelve men he can influence to his view of the case, or, in the court language, "men he can handle readily." It is unfortunately true that jury duty is evaded by the best men, and to a large extent, the men who are willing to serve in this capacity are more or less incompetent. In the cities, idle men and professional jurors are always available. In country towns, farmers, mechanics, and others find the jury duty a recreation, and a not unpleasant change from the monotony of their life. While these men are superior to the city jurors in honesty, they are less able or accustomed to the confinement of rooms and the emotional appeals of partisans.

It is evident to any general observation, that the average jury is unable to pass judgment on, or even to comprehend, in any adequate way, many of the questions submitted to it, such as motives and capacity of the mind, and the power of control; the analysis of conduct, and the conditions and influences which have been dominant in certain

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acts; and the application of the law, and the distinctions of responsibility and accountabillity, the distinctions of science as to the meaning of certain facts, or the recognition and discrimination of facts from the mass of statements. To this incapacity are added the passionate appeal of opposing counsel, who draw the most opposite conclusions from the same set of facts. Then the judge charges that if they shall find such and such conditions to be true, they shall bring in such and such a verdict, and if such and such conditions are not true, another verdict must be given. This brings them into a state of the most bewildering mental confusion, from which only the trained judge could extricate himself. The wonder is, that they are able to reach any verdict that even approximate the levels of human justice.

These facts are recognized by all observing men, and have been the subject of serious discussion for a long time. It has not occurred to any one to consider the conditions and surroundings of the jury who are to decide the great questions of life and death so often submitted to them. Practically and literally the twelve men of uncertain intelligence, and doubtful capacity and training essential to determine the disputed questions, are placed in the most adverse hygienic conditions for healthy brain and functional activity. Supposing these men to have fair, average intelligence with honesty of purpose, they are always in a close, badly ventilated court room, and are obliged to sit in one place for five or six hours a day; in cases of capital crime they are housed at some hotel at night, and have changed diet, changed sleeping rooms, imperfect exercise, continuous mental strain, and this may be continued for a week, ten days, or even longer. Intelligent and sound brain reasoning would be impossible under these conditions. Even judges, trained to examine and reason from

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facts along legal lines, display weakness and confusion of mind at the close of a long trial on many occasions.

The practical observation of any jury in some important trial will show, after the first day, a listless abstraction that slowly deepens into a veritable mental confusion. At times some one of the jury will appear impressed, but soon settles back into a prolonged, steady, vacant stare at the counsel and witness. As the case goes on the faces of the jurors become paler, or increase in redness; their eyes lose their intelligence and become vacant or watery. Some show restlessness in their frequently changing positions of body; others become somnolent and inclined to stolidity; others are constrained, and seem to be struggling to keep up some degree of dignity, and imitate the judge in severity of manner. Then the counsel flatters them, they start up anew and assume the appearance of more dignity and wisdom. Every lawyer has many curious stories of the schemes and devices to capture juries and jurors. Many of these turn on the debility and confusion of mind which come from changed surroundings and functional disorders resulting from confinement and mental exhaustion.

After the second day all connected ideas of the case become confused; only here and there some fact impresses itself, or some witticism or story that is strange or grotesque, or some conflict of lawyers, or reprimand of the judge. All the rest is vague and uncertain. The surprise on the faces of the jury, as the judge and lawyers repeat the testimony of the witness, shows that it is new, and that they did not hear it at the time it was given. The pleas of opposing counsel often create equal surprise in the faces of the jury. If the jury were to render a verdict after one side had closed, it would be for that side. The same conviction is noted at the close of the arguments of the opposite side. The judge's charge often dispels this conviction for the

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last speaker, and throws them back into more helpless, confused states. They are told to decide between this and that statement, and if they think this is true, they must find so and so; if that is true, the verdict must be so and so. In reality they have no very clear conception of any of the facts the judge has called to their attention. They go into the jury room in a dazed, mental state, or possessed with some particular idea that has become fastened in the mind; some idea that has no logical support or sequence in the testimony which has been offered.

The following study of a case that was recently tried indicates conditions that are present far more frequent than would be supposed:

The case was murder, in which an intricate chain of circumstantial evidence pointed to one of three men as guilty. The jury was composed of five farmers, four mechanics, and three merchants. Nine of them were active muscle workers, living in the open air most of the time, and three were actively engaged indoors. The trial lasted eleven days. The jury were boarded at a hotel, and had no exercise except walking to and from the hotel to the court room three times a day. Four of the jury complained of dull headache. On the fourth day five of the jury had attacks of indigestion, with pain and nausea. One had chills on the night of the same day, and was given quinine freely. Two men had attacks of what was called rheumatism, consisting of pain and stiffness of the muscles, and a physician was called. Eight suffered from insomnia and constipation after the fifth night. All suffered from bad feeling and dizziness while in the court room in the afternoons. Four had coughs and colds, for which rock candy and rye whiskey were freely used. Several experienced extreme drowsiness in the court room. The arguments of counsel and the judge's charge occupied a day

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and a half. After the verdict and the discharge of the jury, four of them were confined to bed for several days. Here were twelve men suffering from functional disturbances due to bad air, changed surroundings, and auto-intoxication, called to decide the issues of life and death.

In a case of murder and incendiarism, where the verdict of the jury was severely criticised, the following were the facts: The jury was composed of farmers, miners, tradesmen and mechanics. Four of them were sufferers from cough and influenza; six complained of loss of appetite and headache; one suffered from malaria, so-called, and one from a return of an old rheumatic attack. The trial lasted eight days, and most of the time the jury were practically sick—made so by the surroundings and changed conditions of living. The diet of hotels, consisting of rich meats and desserts in great variety, is usually different from the average food of the average jurymen, particularly of the working class. The result is always overeating and underexercise. This alone would quickly break up or disorder the mental activities. In addition to this, the confinement in the bad air of the court rooms brings new sources of poisoning, particularly deficient oxidation, which of itself is sufficient to derange the normal brain functions. The crowded rooms at hotels are either over heated and badly ventilated, or cold and noisy. The time for retiring and rising varies, and the usual habits of the juryman are changed in every respect. His accustomed food, sleep, and exercise, and his manner of thinking, and the subject of his thoughts, all are broken up. He is asked to follow an intricate chain of reasoning, and to discriminate the errors, and told that this is true and that is true, and that the law should lead him to some other point. He is flattered, and his pride is roused to do the best he can. He grows more incapacitated daily as the evidence accumu-

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lates and his system becomes deranged. Then, in despair, he will suddenly form some conclusion, guided by a fancy for some attorney or some remark of the judge. Perhaps a stubborn member of the jury has formed a conviction on the first day of the trial, and all the rest of the time is passed unconscious of the evidence, pro or con, and in the jury room his very stubborness wins.

In a noted murder trial at Portland, Me., it was evident that the jury had been impressed favorably to the prisoner. The prosecuting attorney suggested to the sheriff that he invite the jury to church Sunday evening to hear a noted preacher. The topic of the clergyman was "God's Hatred of Sin, and Divine Judgment." The attorney knew the topic and the intense dogmatism of the preacher, and calculated its effect on the jury. A verdict of conviction followed, due almost entirely to the sermon.

The personal characteristics of the jury are often the only doors through which they can be influenced. Religious, political, and social or personal prejudices are often considered by counsel in the presentation of the evidence. In reality, the average juryman becomes more incapacitated to rise above his prejudices, or to reason impartially, every day he is confined to the court room. At the end of a long trial he is utterly unable to form any new views, and nothing remains but his old prejudices, and these are often more fixed than ever.

The following record of a juryman's experience was made by a carpenter of more than average intelligence. He put down each night his impressions: The first day he was impressed with the magnitude of the case, and the sadness of the prisoner. He did not sleep the first night for the reason that four men occupied one room. The air was bad, and two men snored loudly. The second day he tried to remember all that the witnesses said, and its bear-

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ing on the case, and at night was very weary and went to bed early, but was wakened and disturbed by the other jurors. The third day his head ached, and he could with difficulty follow the testimony. His appetite was poor, and he was drowsy. The fourth day he was astonished to hear opposing evidence; statements which had been made by apparently honest men were affirmed to be false. He was shocked, and his first impressions and personal interest were disturbed. His head ached, and he felt weak and nervous; his appetite and sleep were broken. The fifth day he gave up all efforts to follow the testimony, or to understand what was said. He felt stupid and excessively tired. The other jurors began to complain of the food and the sleeping rooms, and had several quarrels with each other on religious and political matters. Foolish stories were told, and card playing and personal boasting filled up the evenings. They all manifested disgust at the trial, and longed for the end, and declared they would never be caught in a similar case. On the sixth day the case was closed. The arguments of attorneys, and the judge's charge seemed very dull and wearisome. He felt sick, looked to a release, and his interest in the case died out. He could not understand why so much was said that was contradictory, and the judge should not tell them the real facts of the case. In the jury room no discussion took place, each one voted "guilty" or "not guilty," and when they found that the majority was "guilty," most of them followed the majority. Two of the minority became angyy, and refused to vote for over a day, except in favor of the prisoner. They gave no reasons for their belief, only saying that they were right, and that the rest of the jury were wrong. Finally, one of these men was accused of having some personal object in voting for the prisoner, and after a short altercation, he changed and the other

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man followed him, and the verdict "guilty" was agreed upon.

In my experience as an expert witness I have frequently noted the change of feelings in a moderate drinking juror. If the prisoner was an inebriate, and the crime associated with excessive use of alcohol, the first two days of the trial all moderate-drinking jurymen manifest strong feeling for the prisoner. Later, when they become tired, dull and debilitated by the surroundings, all this feeling changes to severity and desire to punish, no matter what the evidence may be. All natural sentiments of sympathy and kindness are replaced by the coarser, lower motives, as the brain becomes disordered and weakened. If any of the jury have had a similar weakness or committed a similar crime, they usually urge most severe punishment, and especially after they lose their mental vigor in the bad air of the court room. In some cases the opposite prevails, and jurors are strangely stubborn in their unreasoning convictions for the prisoner. This is naturally the outcome of placing untrained men in positions which they cannot fill, and requiring of them clear judgment under circumstances where it is almost impossible to act normally.

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PREMATURE BURIAL—ITS PREVENTION.*

BY EMILE CAMIS, ESQ., OF PARIS, FRANCE.

The most horrible torture which a human being may be exposed to is undoubtedly to be buried in a state of lethargy, that is to say, alive, and wake up in his coffin, finally to die, with the consciousness of helplessness, and with the awful sufferings upon which it is unnecessary to dwell.

Such cases unfortunately occur too often. Eminent savants of all countries admit the fact; legislators are striving to bring forward, before assemblies, laws trying to provide against the evil.

Up to date nothing had yet been found better than waiting mortuaries. Experience has proved that mortuaries are dangerous both for the persons buried and for the public health.

Count Michel de Karnice Karnicki, Chamberlain to His Majesty, the Emperor of Russia, having been present at the awakening, and having prevented the interment of four persons stricken with lethargy, has been impressed with the necessity of finding a mechanical apparatus which could do away with the uncertainty of establishing death and save people buried alive.

The apparatus which he shows to-day is the result of the work of several years devoted to his researches.

"Le Karnice" answers, beyond all expectations, the ob-

* Description of "Le Karnice" Safety Apparatus, invented by Count Michel de Karnice Karnicki, Chamberlain to His Majesty, the Emperor of Russia, and intended to prevent premature burial.

Read at December Meeting of the Medico-Legal Society, Dec. 20, 1899.

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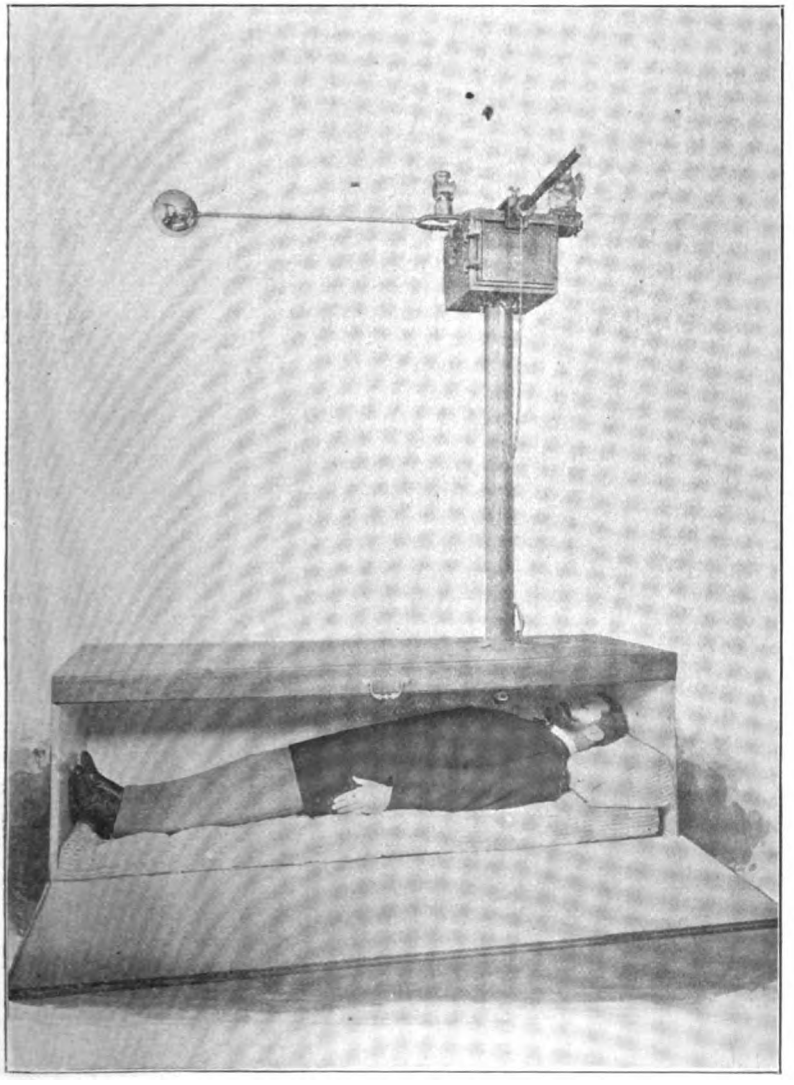

The rectangular box is on the level with the soil outside the grave.

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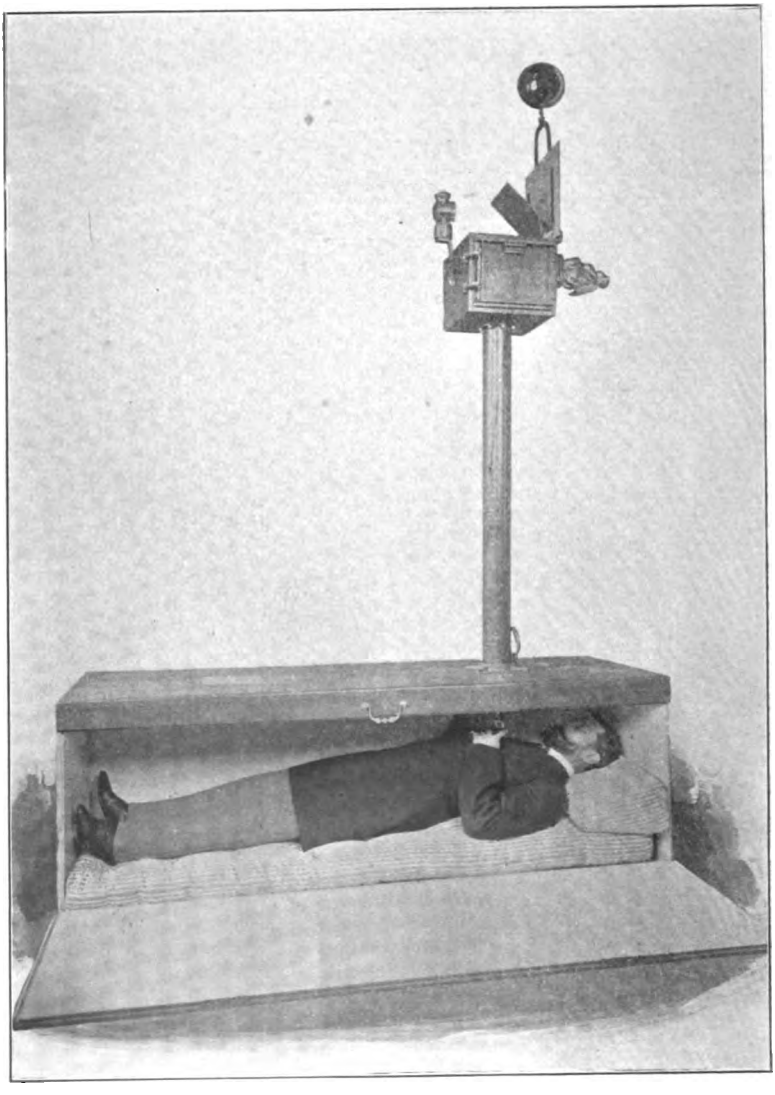

Opening through pressure or traction.

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ject in view. The inventor desired that "each tomb be temporary for the person buried, but hermetical and definitive for the living world."

Summing up the requirements exacted by the inventor, will do more than any long description to prove that the apparatus gives satisfaction to science, and absolute security to the living and to the dead.

1. The apparatus is hermetical, and leaves no communication between the tomb and the living world, so as to render every fear of contamination impossible.

2. It can be easily transported, and may be used for a great number of graves, an essential condition to make it cheap, so that it hardly increases the cost of interment.

3. The apparatus is adapted and taken away without opening the coffin, and without moving a shovelful of earth; a work no harder than to thrust a pike into the earth.

4. The construction of the apparatus is of the plainest; no electric battery so often defective; no complicate machinery; nothing that might not be understood by the simplest workman.

5. The apparatus works at the slightest and most unconscious motion of the lethargic person.

6. That motion, pressure or traction admits the air instantly and abundantly inside the coffin.

7. That motion brings also a little light inside the coffin as well at night as during the day.

8. That same motion makes a metallic ball rise perpendicularly to a height of five feet, so as to be seen afar.

9. By that same and unconscious motion a strong bell resounds.

10. An iron tube through which air and light passes as soon as the patient moves, becomes a speaking tube, carrying sound with great force.

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11. Those various effects can only take place when the buried person moves.

12. The exterior apparatus can be opened by no one from the outside.

To the above I must add that the use of "Le Karnice" does not alter in any way the actual method of burying; it is seldom that a new contrivance is introduced without disturbing acquired habits. The apparatus is both simple and ingenious, and nothing seems to have been forgotten in its construction.

The most authorized professors, the most renowned physicians, the most competent hygienists, who have tried the "Karnice," have been unanimous in their appreciations favorable to its immediate application. Professor Ch. Richet, of Paris, has boldly declared that the problem was solved, and that henceforth lethargy was vanquished.

As every one can very well imagine, and as is always the case when an invention is offered to the public, all kinds of objections have been raised to belittle Count Karnicki's great work.

In a public lecture, made at the Sorbonne, in Paris, in 1897, Count Karnicki himself has answered all objections and criticisms in a convincing manner. I do not see it now possible that any enlightened mind, after seeing the apparatus, and the conclusive experiments made with it, can have any doubt as to its practicability and usefulness.

If anything more can be said in favor of Count Karnicki's great idea, it is that he has emphatically expressed the desire that his invention be put at the disposal of all, rich or poor. This humanitarian side of the question completes, if possible, the generous aim of Count Michel de Karnice Karnicki.

I advise everybody, in the name of humanity, to see this apparatus, to control its working. I am sanguine

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enough to declare that they will come back staunch champions of "Le Karnice."

As Count Karnicki's representative, I present the apparatus before the Medico-Legal Society for a careful examination, and I shall have it on exhibition at 835 Broadway, New York, and I am anxious to make the experiments necessary to convince incredulous minds. Moreover, I am desirous to receive all objections, to listen to all criticisms, and I ask that this body submit the invention to a critical and careful examination.

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MEDICO-LEGAL SURGERY.

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To Railway Surgeons and Railway Counsel:

We take occasion to advise you to unite with the Section of Medico-Legal Surgery, which can now be done by an annual subscription of $1.50, entitling each member to the *Medico-Legal Journal* free.

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Members of the Section on Medico-Legal Surgery, who have not remitted their annual subscription to the Section, will please send same to Judge Wm. H. Francis, No 39 Broadway, N. Y., and members will please not confound the Section Dues with the Annual Dues of the Society, which should be remitted to Clark Bell, Esq., Treasurer, 39 Broadway, New York City. Members of the Society or Section will please propose names for membership in this Section.

It is proposed that members of the Society and Section each donate one bound volume annually to the Library of the Medico-Legal Society, by action of the Executive Committee.

The following new members of the Section are announced: Surgeon J. L. Eddy, M. D., President N Y. State Asso. Ry. Surgeons, Olean, N. Y.; Surgeon C. B. Herrick, M. D., Secy, N. Y. State Asso Ry. Surgeons, Troy, N. Y.; F. T. Labadie, M. D., 149 East 56th Street, N. Y. City; R. C. Richards, Gen'l Claim Agt., Chic. & N. W. R. R., Chicago, Ill.

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SECTION OF MEDICO-LEGAL SURGERY.

Transactions of Session of November 15, 1899, Clark Bell, Esq., Presiding.

The Section met in joint session with the Medico-Legal Society, at dinner, at Hotel St. Andrew, 72d Street and Grand Boulevard, New York, at 7 o'clock p. m. After dinner, and after the Society had concluded its business, the Section was called to order by the Chairman, Clark Bell, Esq.

A paper was read by Albert Bach, Esq., President of the Society, entitled "A Few Suggestions in Railway Surgery."

The paper was discussed by J. Mount Bleyer, M. D.; C. B. Herrick, M. D., of Troy, N. Y., Ex-President and Secretary N. Y. State Asso. Railway Surgeons; Dr. J. L. Eddy, of Olean, N. Y., Vice President N. Y. State Asso. Railway Surgeons, (since elected President); Jacob F. Miller, Howard Ellis, Esq., and Henry Wollman, Esq.

A paper was read by H. Gerald Chapin, Esq., in the absence of the author, Dr. Granville P. Conn, of Concord, N. H., entitled "Progress of Hygiene and Medico Legal Surgery." This paper gave rise to extended discussion, participated in by Albert Bach, Esq.; Henry Wollman, Esq.; Howard Ellis, Esq.; Dr. C. B. Herrick, of Troy; Dr. J. L. Eddy, of Olean, N. Y.; Hon. Jacob F. Miller.

A paper was then read in the absence of the author, Andrew J. Hirshl, of the Chicago Bar, entitled "Dying Declarations."

The Chairman read to the Section the action of the Executive Committee, and the organization of the American Auxiliary Committee, organized in response to the letter of Prof. Brouardel and Dr. Motet to Clark Bell, Esq., and the names of authors of those who have arranged to prepare papers for the Paris Congress of 1900, and requested that members of the Section, who wished to do so, would contribute a paper for the Congress, and to forward its title as early as practicable, so that it could be referred to the proper committee of the International Medical Congress of that year.

The Chairman also advised members of the Section and of

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the Society of the appointment of a select committee, to take in hand the transmission of the contributions to the proper committee of the Paris International Congress of 1900, on subjects relating to Medico-Legal Surgery, and asked the co operation of members of the Section. He announces the papers already promised, the titles to which had been already forwarded :

"The work of the New York State Association of Railway Surgeons," by Geo. Chaffee, M. D., Ex-President of that body.

"Railway Surgery in America, by Clark Bell, Esq , LL. D., Chairman Section Railway Surgery of the Medico-Legal Society.

Members of the Section or of the Society, who will unite in this movement, will please forward their names and the title of their proposed papers as early as possible, and the contributions should be completed prior to April 1, 1900, to secure proper classification and recognition. They can be sent to the Chairman of the Auxiliary Committee, Clark Bell, Esq., 39 Broadway, or to M. Catteau, care of the Minister of War, Paris France, General Secretary Section B, Legal Medicine.

The following are the special committees, designated by the American Auxiliary Committee, organized in response to the request of Prof. Brouardel, in this department:

Military Surgery. Surgeon General Nicholas Senn, M. D., of Chicago; Surgeon General R. Harvey Reed, of Wyoming; Major Geo. Goodfellow, M. D , of San Francisco, Cal.

Railway Surgery. Chief Surgeon W. B. Outten, M. D., of St. Louis, Mo., of the Missouri Pacific Railway System; Chief Surgeon F. H. Caldwell, of the Plant Railway System; Hon. Joseph W. Fellows, of Manchester, N. H.; Geo. Chaffee, M. D , of the Long Island Railway System, Ex-President N. Y. State Association Railway Surgeons; Prof. W. Xavier Sudduth, of Chicago, Ill.

The Section adjourned.

CLARK BELL, Chairman,
39 Broadway, N. Y. City.

F. T. LABADIE, M. D.,
Asst. Secy. Auxiliary Com.,
147 East 56th St., N. Y. City.

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THE PHYSICAL FITNESS OF THE RAILWAY EMPLOYEE FROM THE OCULIST'S AND AURIST'S STANDPOINT.

BY JOSEPH A. WHITE, A. M., M. D.,

Ophthalmic Surgeon C. and O. and Southern Railways, Professor of Ophthalmology, and Associate Professor of Otology and Laryngology in the University College of Medicine, Richmond, Va. Senior Surgeon to the Richmond Eye, Ear, Throat and Nose Infirmary. Member of the American Ophthalmological Society, of the American Laryngological, Rhinological and Otological Society, Tri State Medical Association, State Medical Society of Va., Medical Society of West Va., etc., etc.

The physical fitness of the railway employee, as viewed by the occulist and aurist, may be expressed in a few words, for it is all contained in one sentence, viz.: "An individual with normal eyes and ears, or with perfect sight and hearing." This, of course, is theoretically the highest standard possible from this point of view, but if exacted from all railway employees, whatever their duties, it might prove a great hardship in these days of steadily increasing eye defects, and bar many a man from railway employment whose natural bent and only future lies in that direction.

It would be well, therefore, to take into consideration what standard should be required of different classes of employees, in regard to color perception, acuteness of vision, the visual field, the hearing capacity, etc. In all men engaged in the actual running of trains, who have to depend on signals, whether colored or otherwise, which require sight or hearing for their proper interpretation, such as enginemen, firemen, flagmen and signalmen,* the standard for color perception, visual acuity, whether central or peripheral, and hearing power should be as nearly perfect as it is possible to have it, although many a man to-day occupies these positions, and is apparently performing

*This should include all brakemen, towermen, telegraph operators, and station agents, who even occasionally handle signals for trains.

Read before the New York State Association of Railway Surgeons, November 16, 1899, and before the Medico-Legal Society, December Session, 1899.

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his duties satisfactorily and safely, who falls somewhat short of the full requirement as far as visual acuity is concerned. As this is a proven fact, it shows that it is important to fix upon a *minimum* standard which should be an absolute requisite or the applicant rejected.

As far as *color perception* is concerned there can be but one standard, and that is the highest and best,—not the slightest departure from absolutely normal perception can be allowed without incurring needless and hazardous risks, both to property and lives.

Whilst the same high grade may not be obligatory for *visual acuteness*, because all that is necessary is sufficiently good sight to recognize the semaphore signals at certain distances, which can be done with V-$\frac{20}{80}$ or even $\frac{20}{40}$ under favorable conditions, still the highest standard should be required of applicants for the above-mentioned positions, because vision is apt to depreciate from various causes, and some allowance must be made for this possible depreciation. The army regulation for enlistment requires a vision of $\frac{20}{20}$, although the enlisted men rarely or ever have such responsibility in regard to lives and property as the trainmen, and there is no good reason why equally good sight should not be demanded of the latter when first accepted for such service, although a somewhat lower standard might be sufficient in the re-examination of experienced men who have been for a long time employed in the handling of trains.

As to the *visual field*, any contraction of its normal limits is always a sign of commencing visual depreciation, even when no other symptom of it is present, and when central vision is perfect, and therefore it should always be a ground for rejection of a new man, and for transferring an old hand to some less important position than running a train.

This remark applies equally to any sign of defective *hearing*, which should be absolutely normal for the acceptance of a new man. The standard for color perception, visual acuteness, both central and peripheral, and for hearing, cannot be placed too high for the men engaged in train service, although this view, whilst theoretically acknowledged by the authorities of most railways, is not practically lived up to. The difficulty seems to be to get any united action in regard to this matter. No one denies that the railway employee should be physically as perfect as the majority of men are supposed to be, but the proper measures to insure this are not put into practice except on a few roads.

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I have often noticed, in this city of New York, the magnificent specimens of manhood that make up the personnel of the police force, and I have always thought, although I was not certain, that a most careful physical examination, by a properly accredited physician, must precede the acceptance of any applicant for admission to its rank, to insure such results.

Now, are these men ever put in position of any greater responsibility in regard to life and property, are their special senses of sight and hearing put to any greater test, or their physical powers of endurance to any greater tax than in the case with enginemen, firemen, brakemen and flagmen of railway trains?

Why should not, therefore, an equally rigid examination of such railway employees precede their admission to this service, as is the custom for admission to the army or to the police force? Would it not pay, and I say advisedly, pay and pay well, all railroads to imitate the few who have adopted this course already, and institute a system of strict physical examination for admission to this service? A single accident of any serious nature, caused by a physically imperfect employee, whether such imperfection be a defect of color perception, sight, hearing or an abnormal condition, which would lead to a physical breakdown at a critical moment, would cost more in dollars and cents than would defray the expense incident to such physical examination by competent physicians and surgeons. That accidents are frequently due to these causes goes without saying, and are to be avoided only in one way, and that is by guarding carefully the physical condition of the employees.

According to Dr. H. F. Hoyt, Chief Surgeon of the Great Northern, from whom I quote, there are in this country about thirty trunk lines, and possibly 1000 smaller roads, employing in the neighborhood of 1,000,000 men, and less than a dozen of them require a complete physical examination of their employees. A small minority of them require an examination as to sight and hearing, whilst a small majority have a preliminary investigation of the color perception, which in most cases is entrusted to laymen, and is very imperfectly done. This is partly due to the fact that even among the unexplained accidents it is difficult to trace any of them to color blindness, and on some roads the claim is made that they have never had an accident due to color blindness or defective vision. This may

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be true, but is is equally true that about four per cent. of men (not women) have defective color perception, and defective vision is more common still, facts worthy of serious consideration by the railway authorities.

The Italian railways require both eyes of normal vision and refraction, normal fields and normal color perception, for admission to the service, a re-examination at 45 years of age, after sickness or accidents, or if much addicted to liquor or tobacco.

In England, on the contrary, only $\frac{2}{6}\frac{0}{0}$ is required as the visual test, a dangerously low standard, and up to this time no reform has been possible, owing to the fact that a large number of the members of the House of Commons are railway directors, who oppose any change because of the expense that would be incurred. This is a poor economy and involves great risk to the traveling public.

Why our own roads do not pay more attention to the condition of the sight and hearing of their employees is hard to comprehend, for it hardly requires argument to show that it would be an economy in the end to do so. That it is necessary may be gleaned from the fact that, during our civil war, when no man was rejected from entrance into the army who could possibly be admitted, there were rejected out of something over a million men, 15.5 per cent. for defective sight and 3.2 per cent. for defective hearing, or about 15,500 on account of their vision and 3,200 on account of their hearing.

Dr. V. S. Stein (Mod. Med. Arkiv.) examined 44 firemen and 38 enginemen, and found only 3 with absolutely normal hearing. In a practical test of their hearing, however, in railway service, which he accomplished by frequent trips on the locomotives, he found that these men heard sound signals, except whistles, well enough, under favorable circumstances, to attend to their duties. He concludes that some minimum standard in regard to hearing ought to be established.

Do not these few facts speak for themselves? Serious accidents have been undoubtedly traced to defective sight and hearing as well as to defective color perception, on some roads, even if others have failed to do this; but many accidents, which were possibly due to these causes, were recorded as unexplained, because the author of the catastrophe was among the victims.

A year or more ago, in a discussion of a paper by Dr. Tangemen, of Cincinnati, on the examination of the color

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sense, the chief surgeon of one of our prominent roads was bold enough to express the opinion that accurate color sense was not as necessary a requisite of fitness, in a railway employee, as common sense, and that good brains were more important than good sight, good hearing and good color perception. It is undoubtedly a fact that a man may have the highest order of intelligence and common sense, without good sight, hearing or color perception; but it is also equally true that he would make a dangerous engineman. Good brains, intelligence and common sense are equally essential, in a railway trainman, as the sight, hearing and color sense, and are as much a requisite for fitness as the physical qualifications, but are not sufficient in the absence of the latter. It is true, employees who have defective sight or hearing, or defective color sense, are working now, and have worked for years, without accident; but this good fortune, on their part, is no criterion that others would have the same luck. Because they have been fortunate thus far, is this any reason why they will not, at any time, cause a serious accident, if continued in their positions?

Other railway surgeons, whilst not going quite as far as the gentleman above referred to, argued against examination for color blindness, visual acuity and hearing power, on the ground that it might work great hardship to old and trusted employees who have never had an accident in possibly many years, and yet who might fail to meet the full requirement, and lose their positions. Was there ever a law passed, or a new rule put into operation, that did not work hardship to some one? Is it not well known that private interests have often to be sacrificed for the public good?

Most railways will take care of a tried and trusted employee in some other capacity, when he becomes unfit for his old duties, and even at the worst, would it not be better to pension such an employee than to allow him to continue in a position where he has become a menace to life and property? It is true, he may have been so all the time, but the authorities of the road did not know it, and, when once aware of it, their duty is plain. Even his fellow-craftsmen would not care to see him continued in his position, especially if they had to make the run with him, after they knew he was disqualified for his position, and exposed them, as well as the traveling public to increased dangers.

But we meet many cases where men whose color perception, vision or hearing, was perfect when they entered the service

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and who subsequently became disqualified by acquired defects or depreciation in one or all of these senses. We all know how vision and hearing become defective from disease or injury, but all do not know that the color sense may become equally impaired from the same causes. *Central scotoma for colors* is more common than central scotoma for visual acuity, and the latter is common enough from excessive use of tobacco or liquor. When any such depreciation of the color sense happens, will any sensible man say that the unfortunate victim of this depreciation shall be continued in a position, when he will be dangerous, because of his past service to the company that employs him, or because he is a man of brains, intelligence and common sense? Will these latter save him from the fatal consequences of the lack of the former, should occasion arise when he must depend on them for the safety of the lives and property entrusted to him?

Any depreciation of the color sense, therefore, should be good and sufficient cause for removing an employee from any responsible position in running trains, although an experienced man, if his color sense remains good, can still continue, even on the head end of a train, with vision reduced to what we might accept as a minimum standard—$\frac{1}{4}\frac{0}{0}$, and hearing to $\frac{3}{3}$ds. Below this standard his defective sight and hearing would be almost as great a menace as defective color sense.

And here I wish to state that color sense is one thing and color knowledge another. A man's color sense may be perfect, and his color knowledge almost nil. In other words, an ignorance or an inability to name colors does not at all indicate defective color sense, and on the other hand, an apparent knowledge of colors does not always indicate good color perception. I have seen color blind persons, who manifested a marvellous ability in naming colors, submitted to them in good light, because they had thoroughly educated themselves to name colors as others called them, judging entirely by the intensity of the shading or illumination; and, on the contrary, I have seen others, with perfect color sense, unable to call the names of colors because they had never learned the names. It is because of this that many color blind persons escape detection by the crude methods adopted by some roads, and that men with good color perception are rejected.

Whilst it is not in the province of this paper to dilate upon the various methods of detecting color blindness, it may not

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be entirely out of place to refer to those generally accepted as among the best. Holgren's method of matching or comparing colors by means of colored worsted skeins is the one usually adopted for testing the color sense. A modification of this has been devised by Dr. Thompson, who tagged and numbered the skeins, which were arranged on a stick for convenience of reference and handling. Dr. Oliver has added a greater number of graded colors, and his modification I am in the habit of using. Whilst only two of the test skeins, *rose*, for confusion colors, and *green* to determine red-green blindness, are essential, the red, blue and yellow help in some cases to determine slighter degrees of color defects. Moreover, the test should be made at different distances. We sometimes find the ability to distinguish red from green, or to match colors, seemingly good when close to the worsteds, whereas if they are removed to some distance, as e. g. twenty feet, even in the best light, defects in the color perception become apparent. The test is further strengthened if *naming* the colors is also required. This, of itself, is not sufficient, but combined with the worsted test it is of great value, as showing the applicant's knowledge of colors on the one hand, and confirming the results of the worsted test on the other. I have for many years done this, especially for the most important colors, such as red, green, blue and purple, which is in the line of work the applicant is called upon to perform, by means of a blackboard with a hole in it, in front of which is a slide perforated by different sized openings, to correspond with test letters, so as to be seen under an angle of 5° at fixed distances, and behind the board a revolving wheel with different colored glass disks which pass in turn over the opening. When a light is placed behind the board the disks are illuminated, and the effect of a railroad lantern is produced. By placing in front of the openings smoked glass of different intensity, the lights may be modified, as in misty or foggy weather, and render the test more valuable. Dr. Chas. H. Williams, of Boston, has devised a lantern on this principle, which is more convenient, and has greater advantages than my crude arrangement. It is in use on the New York, New Haven and Hartford R. R., and I have it here for your inspection. There is also another device of the same kind invented by E. W. Scripture, of Yale University, which is very ingenious, and which I have also for your inspection. I think it is important to test the employees both by the woasted skeins and the colored light

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test, as some may escape by one plan who will fail to pass the other. It may also be well to test a number of men together, so they may themselves see when a fellow-employee is not up to the standard.

For *examination of vision*, the usual test cards are all sufficient, provided some means is taken to prevent memorizing the letters, such as by changing the cards; $\frac{20}{20}$ for distance and No. 1 for reading should be the minimum for new men, and $\frac{20}{40}$ for experienced men who have been some time in the service. This standard should be reached without glasses, but if it can also be maintained with convex glasses, the refraction should be carefully investigated, as no man should be accepted with latent hyperopia of more than 1^{5}D, as with increasing years the far sight would become manifest, and he could not then get the minimum requirement of $\frac{20}{40}$ without glasses.

This brings up the question as to whether men should be accepted for positions in running trains who wear glasses for distance, even if with glasses they get perfect vision. I should think not, as however good sight they may have in good weather, their glasses will become misty and wet in bad weather with consequently dangerous depreciation of vision. This does not, of course, apply to wearing of glasses only for reading, which should be compulsory when necessary, and does not detract from the efficiency of the employee.

For examination of the *field of vision*, any contraction of which can easily escape notice, and if present might be the forerunner of central depreciation of vision, a perimeter is best, but in lieu of it we can use a blackboard and piece of chalk, and get a fair idea of any marked changes in the field.

For testing the *hearing*, the voice, both ordinary and whispered, should be used, and no rule can be laid down for it. I have been testing people's hearing this way for twenty-five years, and I can tell at once whether the hearing for the voice is impaired. The watch-test, so-called, is fallaceous, because most aurists use a different watch. The tuning fork is an accurate test, but impracticable for hurried testing of railroad men. Various acoumeters have been invented and a good one is the little ratchet acoumeter of Sharp & Smith, Chicago, which can be heard about forty feet when pressed by the thumb and finger on each side, and about a hundred feet when held by the rim. It is better to make the applicant count the ticks as the button is turned, as this makes the test more accu-

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rate, although the distance will be thereby somewhat shortened.

The conclusions I would draw from these few remarks, are

1st. That perfect color perception (not color knowledge) for red and green, vision of $\frac{2}{4}\frac{0}{0}$, without glasses, and with hyperopia over 2 D barred, normal visual fields and good hearing should be requisites to the physical fitness of all applicants for any position in railway service, in which they may be conected with the signal service of running trains, or who may be in the line of promotion to such position.

2d. That they should be re-examined when promoted to engineman, conductor, collector, etc., and the same standard required.

3d. That a re-examination should also be made after injury or illness of any kind, that might cause depreciation of the color sense, sight or hearing.

4th. That, if addicted to the constant use of liquor or tobacco, they should be examined at stated intervals, such intervals to be fixed by the results of experience.

5th. If in these re-examinations, the color sense be found impaired, or the vision lower than $\frac{2}{4}\frac{0}{0}$, or hearing less than $\frac{3}{5}$ds of normal, they should be relieved of duty in running trains or transferred to some other position.

6th. That employees not directly engaged in running trains, such as telegraph operators, station agents, station baggage men, etc., should have normal color sense, but that a vision of $\frac{2}{4}\frac{0}{0}$ and hearing $\frac{3}{5}$ds will answer.

7th. That these examinations should be conducted by a surgeon of the road, or by some responsible employee, who has been thoroughly instructed in the methods of making them, and whose own color sense, vision and hearing should be up to the highest standard, and who should refer all cases about which there is the slightest doubt to an ophthalmic and aural surgeon in the employ of the road.

8th. That all railroads should adopt these or similar regulations, for testing the physical fitness of their employees; both for their own interests and those of their patrons.

9th. That whenever and wherever practicable, legislation should be encouraged to bring about a general acceptance of the much needed reform.

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A FEW SUGGESTIONS IN RAILWAY SURGERY.

BY ALBERT BACH, ESQ., PRESIDENT MEDICO-LEGAL SOCIETY.

In my inaugural address, as President of the Medico-Legal Society of New York, I stated that that branch of the Society which devotes its attention to railway surgery is one of great consequence, considering, as it does, questions of how to protect the general public whilst using our gigantic railway systems, so as to prevent the spreading of contagious diseases, and reduce to a minimum injuries upon railways, and render the best possible surgical assistance in the event of such injuries.

The thought has since occurred to me, that sufficient attention is not paid to the proper protection of the travelling public on railways. There is no country in the world wherein such prolonged trips are constantly made, in railway cars, as in the United States, by reason of the immense area of our domain, and when we consider that all first-class Atlantic Ocean steamers have on board them competent physicians, the wonder to my mind has been why the railway companies do not afford the same protection to their patrons.

If it be said that the difference between steamboat travelling and railway travelling, as to the necessity of the presence of a physician, is that the train may be stopped, and the sick passenger be taken off, and medical assistance be summoned, whereas a vessel cannot be taken, upon all such emergencies, to a landing place, and therefore there is no necessity for a physician on a train, I reply, that much suffering could be spared, much danger to the patient by removal be averted, and much confidence engendered by the presence of a competent physician, to render instant assistance to passengers requiring it, and the presence of a hospital car for the purpose of treatment and isolation.

Moreover the development of contagious diseases, cognizable only to a medical man, may be at once noticed by a physician

Read before the joint session of Medico-Legal Society and Section of Medico-Legal Surgery, November 15, 1899.

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right at hand, and thus the balance of the passengers be protected by isolating the patient, and telegraphing ahead to a railway station for a physician and conveyance for the afflicted passenger, and he may be taken from the car. But even this removal of the passenger from the train could be obviated, if, in addition to having a physician on the train, there were to be attached thereto a hospital car properly equipped. Indeed, it is surprising that on long trips we should not have seen these improvements in railway management adopted long ere the present day. We offer the following additional suggestions, to wit: that all toilets in railway cars be thoroughly disinfected by a constant flow of disinfecting fluid, and that all mattresses and bedding be disinfected in sleeping cars, and still better the use of rubber air mattresses. There is entirely too little regard, on the part of railway companies, for the health of the travelling public. How far a company might be liable for the spread of contagious disease, on a train, through negligence in allowing an infected person to travel, or to take proper precautions to prevent the spread of the disease on the train, is a nice question. Certain it is, however, that if a conductor, in charge of a train, were knowingly to allow an infected person to board and travel on a car, the company would be liable for injury therefrom resulting to any other passenger.

To constitute actionable negligence there must be negligence in the defendant and damage to the plaintiff. Negligence consists in

1. A legal duty to use care.
2. A breach of that duty.
3. The absence of distinct intent to produce the precise damage, if any, which actually follows.

With this negligence, in order to sustain a civil action, there must concur

1. Damage to the plaintiff.
2. A natural and continuous sequence uninterruptedly connecting the breach of duty with the damage, as cause and effect.

It should be a legal duty to have a physician on all trains making long trips. It should be a legal duty to disinfect toilets and bedding in all cars. It cannot be said to be an unreasonable duty to throw these safeguards around the traveling public.

The mere fact that the precautions necessary to avoid injury to others are so expensive as to consume all the profits of the business, is not enough to show that such precautions are unreasonable.

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Beauchamp v. *Saginaw Mining Co*, 50 Mich. 163.—This was a case where plaintiff, passing along a road, was injured by defendant's negligently blasting without covering the mine, and it was held that the defendant cannot answer that the profits of the business do not warrant the expense of such precautions. The question of necessity is for the jury.

"In determining what is the duty, the failure in which constitutes negligence, regard is to be had to the growth of science and the improvement in the arts, which take place from generation to generation, and many acts or omissions are now evidence of gross carelessness, which, a few years ago, would not have been culpable at all, as many acts are now consistent with great care and skill, which in a few years will be considered the height of imprudence."

The violation of any statutory regulation established for the benefit of private persons, is of itself sufficient to prove such a breach of duty as will sustain a private action for negligence, if the other elements of actionable negligence concur; Pacific R. R. Co. v. McDonald, 152 U. S. 262; Queen v. Dayton Coal, etc., Co., 95 Tenn. 458; Jetter v. Harlem R. R. Co., 2 Abbt. Ct. Appl. 458; Massoth v. Delaware, etc., Canal Co., 64 N. Y. 524; McGrath v. N. Y. Central R. R. Co., 63 New York 522.

There are statutes requiring fire escapes, trap doors, electric wires to be perfectly insulated; there are sanitary laws, and a violation thereof may be made the foundation of action for damages by any one injured by reason of non-observance.

It is settled law, in most American states, that a carrier of passengers by steam is responsible for any defect in engines, cars, or other means of transportation, which could have been detected by any known test, either while in use, or in the process of manufacture; Ingalls v. Bills, 9 Mich. 1; Steinwager v. Erie R. R. Co., 43 N. Y. 123; Carroll v. Staten Island R. R. Co., 58 N. Y. 126; Caldwell v. N. J. Steamboat Co., 47 N. Y. 282; Palmer v. Delaware and H. Canal Co., 120 N. Y. 170; Hegeman v. Western R. R. Co., 13 N. Y. 9.

So the courts hold that common carriers are bound to adopt all inventions which have been demonstrated to increase the safety of passengers and which are in actual use by some carriers; Caldwell v. N. J. Steamboat Co., 47 N. Y. 282; Smith v. N. Y. and Harlem R. R. Co., 19 N. Y. 127.

It is properly said by Sherman & Redfield, in their admirable work on the Law of Negligence, Vol. 1 (5th Ed.) Sec. 45:

"The shocking immoralities and petty discomforts of Atlantic passen-

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ger ships, prior to 1850, if not later, which continued and increased until legislatures interposed; the practice, at one time common, of adding petroleum cars to passenger trains; the continued use of stoves in American cars, notwithstanding repeated and frightful loss of life from this cause, and the persistent refusal of English railway managers to afford any means of communication between passengers and guards, are but a few among a multitude of examples which may be cited to show the callous disregard for the comfort and safety of passengers by some of the most famous carrying companies, if the courts had accepted as a standard of the care to be exercised, by such companies, in the transportation of the public, merely the ordinary care of good business men in that line.

"The modern demand for the exercise of what is often called 'the utmost care,' is largely due to the essentially modern regard for human life and the development of applied science.

"It is only within a very recent period that life has been considered more sacred than property, and side by side with the growth of this feeling there has been a wonderful extension of human powers by means of new inventions.

"In ancient times it would have seemed preposterous to claim a greater degree of care for the preservation of the life of a slave than for the statue of an emperor, and it would have seemed the height of tyranny to hold any man of business to a degree of care which no one in that business had ever employed, and require him to do that which every one in the business believed to be impossible. But in our own time legislatures have absolutely forbidden gas companies to cast their refuse into rivers, although those companies unanimously declared, with entire sincerity, that they could not conduct their business at all in any other way. So legislatures have compelled manufacturers to consume their own smoke although none of them know how to do it. And the result, in these and other cases, has fully vindicated the wisdom of this stern legislation. When factories were compelled to consume their smoke, their owners paid inventors to devise a method of doing so. When gas companies were threatened with ruin if they could not dispose of their refuse, they paid the cost of experiments which resulted in the invention of aniline colors, and increased the wealth of the gas companies themselves, while putting an end to an intolerable nuisance which they had always declared to be unavoidable.

"In the light of such experiences the courts are justified in holding those who take charge of the lives of human beings to any degree of care which is not incompatible with the transaction of business, especially when its practicability has been demonstrated by its adoption in that business by the most careful class of persons."

I cannot conceive of any just reason for opposing the suggestions I have made, and I sincerely trust that the newspapers may give them publicity, and also their support, to the end that proper protection may be yielded passengers on railway cars.

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PHYSICAL FITNESS OF RAILWAY EMPLOYEES.

BY R. C. RICHARDS, ESQ., GENERAL CLAIM AGENT, CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

I accepted the invitation of your President to address you on the question of "The Physical Fitness of Railway Employees from the Standpoint of the Operating Department," because the matter is one in which I have taken a great interest, and I shall undertake, as briefly as possible, to give my views on the subject and the results obtained by the company with which I am connected, by the adoption of the plan of requiring the physical examination of applicants for employment.

The last report of the Interstate Commerce Commission tells us there are 186,396 miles of railroad in this country, and that 874,558 men are employed in the operation and maintenance of the same; that last year 489,455,198 passengers were carried, and 741,765,946 tons of freight moved; that of the number of men employed about 25 per cent., or 225,684, were engaged in the engine, train and switching service; that during the year 1898 there were nineteen hundred and fifty-eight employees killed, thirty-one thousand seven hundred and sixty-one injured, two hundred and twenty-one passengers killed and twenty-nine hundred and forty-five injured, forty-six hundred and eighty other persons killed and sixty-one hundred and seventy-six injured; making a total of six thousand eight hundred and fifty-nine killed, and forty thousand eight hundred and eighty-two injured.

And there were also innumerable derailments and other accidents to trains in which no one was injured, but which frequently caused large property loss, of which no report was required or made by the different companies to the Interstate Commerce Commission, and which, consequently, do not appear in the foregoing enumeration.

In my experience, extending over a period of many years,

Read before the New York State Association of Railway Surgeons, November 16, 1899, and before the Medico-Legal Society, Dec. 20, 1899.

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in the investigation, adjustment and defense of claims for personal injury and for property damaged I learned almost immediately that before anything was used in the construction, maintenance or operation of a railroad, it was inspected and tested; that we had tie inspectors, track inspectors, bridge inspectors, car and engine inspectors; that the watches used by the men were inspected; that even the fuel and oil used in the operation of trains had to come up to a certain standard, and in fact everything connected with a railroad, with one astonishing and surprising exception, was examined before being used or put in the service. I also discovered that as soon as an accident happened the engine, car, track, bridge or appliance in use at the time of the casualty was immediately examined to find out why it gave way, or did not properly perform the work for which it was constructed; that the records were examined to ascertain when and by whom the same was last examined and why the defect, if any there was, had not been discovered, and a great fuss made if it was found that something had been overlooked or some required examination, which would have discovered the defect, neglected; but no examination or test was ever made of the human beings who operated the engine, car or appliance, or who constructed or repaired the track or bridge, to determine whether they were physically able to properly operate, construct or repair the same, and without which ability all the other care and expense in constructing, testing and maintaining was thrown away; that when an accident occurred because a signal was not observed, or an obvious danger discovered, the investigation was always conducted to ascertain whether the signal was properly given and the danger an open one, but rarely to determine whether the person who should have seen or heard the signal and discovered the danger, was physically able to see or hear the warning, or in other words, had normal vision, hearing and color perception; and we all know that men operating trains and signals should have them all in order to properly perform their duties.

I also frequently discovered that men who were injured and whose claims I was called upon to adjust had bad looking eyes, whose hearing was not acute, that they had lost some of their fingers or a thumb, or had other physical defects not caused by an accident on our line; that in investigating accidents we would occasionally run across men engaged in the shops or on the tracks, who were subject to fits, who were deaf and dumb,

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or who had other physical defects which should have debarred them from the railroad service; of crossing flagmen who did not wear glasses, although they had little or no vision without them; who were too old and infirm to properly perform their duties; frequently who were unable to talk or understand the English language, and who consequently could not properly warn or converse with travelers on the highway, or with other employees, or give intelligent testimony if called as a witness, but who through the influence of a friend or relative, or as a matter of charity, were hired without the knowledge or consent of the management, and whose services were dispensed with when the attention of the proper official was called to the matter.

I now call to mind an accident which occurred to a passenger train, caused by a switch being left open just at dusk, and upon investigating the matter it was found that the engineer who was running the engine and who had been employed in that capacity for over twenty-five years had one quarter vision in one eye and one-third in the other, and the fireman had one-eighth vision in each eye.

How many more men in the same condition are to-day running engines, some of them hauling the fastest and most important trains, no one knows, and their fellow-employees will never tell until some accident, similar to one which has just come to me, happens and then it will be claimed, and perhaps justly, that the company is liable, because it ought to have known. A brakeman was seriously injured coupling cars. He claimed the engineer backed up without a signal. Investigation showed that the signal was properly given by a fellow-brakeman and that the injured man could and should have seen it, had not his eyesight been defective. Examination showed that the injured man's vision was way below normal, even with glasses, which he did not wear,—it was less than half what it should be. The other men on the train had known it for over a year, had never reported it, and would not have done so at this time had they not thought it necessary in order to clear themselves of blame. And yet the question of whether blind men are proper persons to be in charge of an engine, or employed on a railroad train, is hardly open to discussion.

I remember the case of an engineer pulling the fast mail who was getting a little old, about whose vision there was some question, and upon examination it was found that he had only one-half vision in one eye and two-thirds in the other, but with

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glasses his vision was normal. He had never worn glasses and probably would not have done so to this day if this examination had not been made, as for some reason there seems to be among railroad men, especially engineers, a great prejudice against wearing spectacles. Occasionally claims would be presented for a rupture alleged to have been received in an accident, and no one would be able to tell whether it was a new or an old trouble, except the claimant, and you can imagine what he said. And doubtless many other instances of a similar nature have been developed by the investigation and personal observation of others engaged in the same class of work that I have been.

With these examples and conditions coming constantly under my personal observation, the question very soon occurred to me; Why all this trouble and expense to examine machinery, appliances, track, watches, &c., and no effort made to determine whether the men who were to operate the same, and on whose vigilance and skill depended, not only the lives of innumerable passengers, of travelers on the highway, their own and those of their fellow employes, as well as property of their employers and their employers patrons of nearly inestimable value, were physically fit to perform that duty. I knew, as does every one, that when the government hired a man to stand up to be shot at, and to kill some else, and paid him the munificent sum of thirteen dollars a month, and who had practically no responsibility, he was required to pass a physical examination, and must be, generally speaking, a perfect man physically, and must also be of an age to enable him to properly perform his duties for a reasonably long period, and that the same rule was enforced in all municipalities of any considerable size in the employment of policemen and firemen; but when a man entered the railroad service, at a wage of from fifty to one hundred and fifty dollars per month, no systematic and proper effort was made to determine whether he was physically qualified to perform the duties of the position for which he was employed, or which, in the course of time, he would likely attain, although frequently that position was one of great responsibility, and in the proper performance of the duties thereof might depend the lives of many persons, and that in order to perform such duties properly he must have normal vision and hearing, and the ability to distinguish colors, as well as physical and mental powers of a first-class order. It seemed to me, there-

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fore, that if something in the way of a physical examination of applicants for employment could be made by competent surgeons, under reasonable rules and conditions, that the company with which I was connected would be benefited, and a higher class of men, mentally as well as physically, obtained; the number of accidents resulting from employing physically incompetent men, as well as the expense resulting therefrom, reduced, and better and more satisfactory results in the operation of trains secured.

We all know that in the building and maintainance of railways, that so far as possible everything is made permanent, that only sound young timber is used in buildings, cars and structures made of wood, and that in constructing engines, tracks and bridges new steel or iron, and not old worn out scrap, was invariably required, and it occurred to me, why not apply the same rule to men, and get into the service young men who were physically sound, who would be permanent employes, and who would remain and be physically capable of performing satisfactory service for from twenty to forty years; and that in order to get the best results of any plan of examining applicants for employment, an age limit should be adopted.

After several years of quiet agitation, I succeeded in getting the Management of the North-Western to give the plan a trial, and four years ago we commenced examining applicants for employment in the engine, train, switching, signal and station service, as well as employes who came up for promotion in those departments, and adopted a rule establishing the age limit by which no inexperienced men over the age of twenty-seven years, or experienced men over the age of thirty years were employed as brakemen or firemen, and no inexperienced men over thirty years of age, or experienced men over forty years are employed as switchmen; but as all our engineers and conductors are promoted from the ranks of firemen or brakemen, no age limit was established for them, and during that time, under proper rules, eighty-three hundred and ninety-seven (8397) men have been examined, out of which five hundred and twenty-six (526), or six and one fifth (6⅕) per cent. were rejected on account of defective vision; thirty-seven (37), or four-tenths (⅖) per cent., were rejected on account of defective hearing; two hundred and ninety-eight (298), or three and one-half (3½) per cent., on account of color-blindness, and two hundred (200), or two and one-third (2⅓) per

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cent., on account of other physical defects, which should debar them from the service, were rejected, a total of ten hundred and sixty-one (1061), being nearly fourteen (14) per cent. of the whole number examined, or about one in eight; and probably as many more men who were physically disqualified have refrained from making application for work fearing that they would be unable to pass the required examination, and if they made the attempt and failed, that it might prevent their getting employment on lines which did not require such an examination.

The mere statement of this result, which is given in detail in the appended tables, for which I am indebted to Dr. J. D. Andrews, Assistant Surgeon of the Chicago and North Western Railway, seems to me to demonstrate the necessity of making this examination and the benefits derived thereby, which will, I think, show more in the next twenty years than it does now.

It is fair to presume that a portion of the accidents enumerated in the first part of this paper resulted from employees engaged in the operation of trains and signals, not having normal vision, hearing and color perception. What that proportion is no one can with certainty state, but if it was only five per cent. (which, I think, you will agree with me in thinking a conservative estimate) would it not be worth making a great and combined effort by all the companies to save *annually* three hundred and forty-two lives and twelve hundred and twenty-two injuries, as well as prevent the suffering and misery caused by them, to say nothing of the great expense resulting therefrom?

The expense of making the examination is borne by the applicant when he is accepted and by the company when rejected. They are made by surgeons regularly employed by the company, and while there was for the first twelve months considerable annoyance, a great deal of work and some little friction to get the scheme working properly, as there always is with anything new on a big system, that has all been overcome, and now the plan goes smoothly, and every one connected with the management of the company agrees that it is a good one. And as some eight or ten companies have recently adopted practically the same scheme and others are, I understand, considering the advisability of doing so, it is perhaps fair to conclude that the physical examination of employees in the operating department of railways has come to stay, and when its necessity is recog-

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nized and its benefits are properly understood by the public, I believe that we will have legislation on the question requiring it to be done, at least so far as the vision, hearing and ability to distinguish colors is concerned.

I think that the men should have their vision and hearing tested at regular intervals after passing their first examination, the tests to increase in frequency with the age of the men, for the same reason that a watch, engine, car or structure is re-examined and tested.

I wish to call particular attention to the result of the examination of firemen and brakemen who have applied for promotion, as given in table No 2, which shows that fifteen per cent. of the former and ten per cent. of the latter were rejected, principally on account of lack of vision, an absolutely necessary qualification, if they were to properly or safely perform their duties, and who, if the rule requiring the examination had been in force when they applied for employment, would never have gotten into the service.

The information given in table No. 3, of the special examination of employees, showing that over ten per cent. of the engineers who were examined, were rejected, chiefly on account of lack of vision or hearing and inability to distinguish colors, and that thirty-four per cent. of those examined, who were not wearing glasses, required them in order to bring their vision up to the proper and necessary standard; that of the firemen so examined nearly forty per cent. were rejected on account of defective vision or lack of color sense, and of the brakemen nearly sixty per cent. were rejected on the same grounds, demonstrates, I think, that it is of equal importance in investigating the innumerable accidents resulting from the failure to give or observe a signal (and every one who has had any experience in making such investigations knows that invariably there is a dispute between the person who should give and the one who is to receive the signal, as to whether it was given,) or discover the danger to ascertain if the person to whom the signal was given could see far enough ahead to discover it in time to act and to determine from the color and position of the flag, semaphore or light, whether it meant stop or go ahead, or hear if the signal or order was given verbally, as it is to determine whether the signal was or was not given, yet such investigation is almost never made. And let me ask, of what value is the automatic signal, the block system, the semaphore and the

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many other safety appliances for the prevention of accidents, in which the companies have invested immense sums of money, unless the persons who are to be guided by the same have normal vision and are able to distinguish colors? And why would it not be a good plan to spend a small portion of the money that is paid out every year, for safety appliances, in getting some safety EMPLOYEES?

Among the benefits gained by this examination and the adoption of the age limit are:

First. The company secures the services of men who are physically capable of properly performing their duties, and who will in all probability be able to do so for many years.

Second. It keeps men, who are physically unfit for the work, out of the service, and avoids the risk that their employment would necessarily entail; and, at the same time, protects the company from fraudulent claims for injuries which this examination would detect.

Third. The number of accidents and resulting expense will be reduced.

Fourth. By reducing the number of accidents and making the business less dangerous we will encourage a higher class of men to enter the service.

Fifth. In case of injury, we all know that a sound man will get well quicker and make a better recovery than an infirm or diseased one, thereby reducing the expense of adjusting his claim, as well as the cost of caring for him.

There is another phase of this question that, I think, should also be taken into consideration in determining whether a physical examination of railroad employees is advisable or necessary, and that is that sooner or later (the handwriting is on the wall now) I believe that all the large systems will adopt some kind of a pension scheme. I trust it will come in the near future, so that the present generation of railroad men will get the benefit of it. The Pennsylvania and the Baltimore and Ohio have already done so, and when the other systems follow their lead it will be to their interest, as well as to the interest of the employees, that the ranks shall not be filled with a lot of physical incompetents who will want to retire, and who it will be to the interest of the companies to retire at the minimum age, but instead we will find it composed of able-bodied men who will be capable of performing satisfactory service and who will want to do so, (as few able-bodied men of that kind, who

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have led an active life, want to be idle,) until they reach the maximum age at which they must retire, and thus avoid making the pension roll unnecessarily expensive, to the men as well as to the companies, their part of which expense will, of course, be charged to the cost of operation. And this examination will, I think, aid materially in bringing about this result.

There is one other view of this matter which, at the risk of being tedious, I desire to mention, as I think it is entitled to some consideration, although it may not appeal to you gentlemen of the medical profession, and that is this: There is an ever-increasing demand being made on the railroads to furnish employment for the dependents and constituents of their pretended friends, political or otherwise. Generally the persons recommended are, by reason of their age, infirmities or general worthlessness, unfit to perform the duties of any position, but for reasons which make, or seem to make, it necessary for the management or their employing officer to retain the good will of the party making the recommendation, the applicant is employed, and once in the service, it takes an Act of Congress to get him out. Whereas if the company on whom the demand is made, for that is practically what it amounts to, can say to the person making it, Send your man around, and if he is not over the age limit and can pass the physical examination required of ALL men entering our employ, we will put him to work, the person making the demand would have to be satisfied, and generally would be, and the incompetent applicant (and in seventy-five out of one hundred cases he is such) would be kept out of the service, either by reason of his being unable to pass the examination or on account of his being over the age limit.

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CHICAGO AND NORTH WESTERN RAILWAY COMPANY.

No. 1.—Report of Applicants Examined at points other than Chicago, from September, 1895, to June 1, 1899.

Examining Points	Examined	Accepted	Defective Vision	Color Blindness	Defective Hearing	Other Defects	Total Rejected	Per cent. Rejected
Harvard	17	16		1			1	5.9
Janesville	217	190	14	6	1	6	27	12.4
Oshkosh	75	69	3	2		1	6	8.
Green Bay	35	33	1	1			2	5.7
Milwaukee	514	441	44	22		7	73	14.2
Belvidere	80	65	13		2		15	18.7
Clinton	360	314	25	8	4	9	46	12.8
Cedar Rapids	35	32		1		2	3	8.6
Belle Plaine	511	467	26	6	8	4	44	8.6
Boone	585	506	32	27	5	15	79	13.5
Carroll	25	21	2			2	4	16.
Council Bluffs	41	35	4	2			6	14.6
Tama	24	23	1				1	4 2
Lake City	137	122	7	7		1	15	10.9
Eagle Grove	676	614	23	30	1	8	62	9.2
Madison	84	79	5				5	6.
Baraboo	515	489	13	8		5	26	5.
Escanapa	151	139	6	6			12	7.9
Iron Mountain	41	35	2	3		1	6	14.6
Ishpeming	27	25	1	1			2	7.4
Winona	124	118	3	2		1	6	4.8
Waseca	57	51	3	3			6	10.5
Rochester	4	4					0	
Tracy	83	59	8	14		2	24	29.
Huron	318	246	34	9	9	20	72	22.6
Manitowoc	11	8	2			1	3	27.3
Kaukauna	477	412	28	24	1	12	65	13.6
Ashland	173	166	2	4		1	7	4.
Total	5397	4779	302	187	31	98	618	Rejected 1–8¼
Per cent		88.55	5.6	3.4	0.6	1.8	11.45	
Chicago	3000	2557	224	111	6	102	433	Rejected 1–6¾
Per cent		85.3	7.4	3.7	0.2	3.4	14.7	

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No. 2.—Report of Three Thousand Examinations made in the Office of the Chief Surgeon, Chicago.

Occupation	Examined	Accepted	Defective Vision	Color Blindness	Defective Hearing	Other Defects ‡	Total Rejected	Per cent. Rejected
Engineers*.....	173	146	20	6		1	27	15.6
Firemen.....	477	395	48	16		18	82	17.2
Conductors†.....	101	91	7	2		1	10	10.
Brakemen.....	651	536	51	31	2	31	115	17.6
Pass. Brakemen...	89	79	6	3		1	10	11.2
Switchmen.....	640	557	29	16	2	36	83	12.9
Operators.....	524	453	38	21	1	11	71	13.5
Towermen.....	8	8					0	
Switch-tenders....	22	18	1	1		2	4	18.1
Flagmen.....	3	3					0	
Signalmen.....	2	2					0	
Watchmen.....	23	21	1	1			2	8.6
Gatemen.....	286	247	23	14	1	1	39	13.6
Baggagemen.....	1	1					0	
Total.....3000		2557	224	111	6	102	443	Rejected
Per cent.....		85.3	7.4	3.7	0.2	3.4	14.7	1–6⅔

* Promoted from Fireman. † Promoted from Brakeman.
‡ Hernia, Loss of Fingers, Heart and Lung Troubles, etc.

No. 3.—Report of Special Examinations of Employees. (Not for Promotion.)

Occupation	Examined	Accepted	Accepted with Glasses	Defective Vision	Color Blindness	Defective Hearing	Other Defects	Total Rejected
Engineers.....	105	57	36	5	3	1	3	12
Firemen.....	13	6	2	4	1			5
Conductors.....	8	6	2					0
Brakemen.....	7	1	2	3	1			4
Switchmen.....	1	1						0
Operators.....	1			1				1
Total.....	135	71	42	13	5	1	3	22

June 1st, 1899.

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THE PROGRESS OF HYGIENE AND SANITATION IN ALL MATTERS PERTAINING TO RAILROADS.

BY G. P. CONN, A. M., M. D., CONCORD, N. H., DIVISION SURGEON BOSTON AND MAINE RAILROAD.

It may be truly said that to the layman, the surgeon's hand guiding a beautifully polished instrument of steel is the acme of human knowledge and skill. Nothing in the human economy seems too intricate to evade the surgeon's search, nor so unfathomable as not to receive his attention. The cavities of the body unfold their wonderful organs, all parts of the skeleton receive due attention when they have been accidentally injured or require treatment by reason of disease. The loss of tissue is replaced by that from other persons or animals, deformities are corrected, made shapely in contour, and beautiful to the eye. These wonderful results show that the professional field of the surgeon is almost limitless, and one that leaves traces of his brilliancy in human monuments that have been made beautiful by the skill of the operator. So much is being accomplished that was unattainable only a few years since, that facts are bewildering, and the public are calling for still further advancement.

In taking up this line of thought one naturally goes back and reviews the origin of all this change. The surgeon has received the approbation of the public, yet the tissues that are preserved or sacrificed by the surgeon's knife are the same as they were in the origin of man. He cuts the same tissues, in the skin, muscles, blood-vessels, nerves and bones of man to-day as was done in the time of Ambroise Pare, when the operator found that ligature would take the place of the hot iron in the prevention of hemmorhage. In the great advancement of the art and science of medicine and surgery it is plain that nothing new has been created. The same tissues are doing business to day in the same old way. They are to be found in the same

Read before the Joint Session of the Medico-Legal Society and Section of Medico-Legal Surgery, November 15, 1899.

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place, and their functions are not changed. It is true that the anatomical structure of the human body, the physical development, and the possible pathological change has received great attention from physicians and surgeons, yet that is but a part of the science of health and how to preserve it. The student of hygiene has taken up this question, and going over it with great care has discovered new means of preventing sepsis, and herein we have the solution of the great problem in the advancement in the art of surgery. Hygiene and sanitation have made this possible, and the surgeon has been on the alert to avail himself of the knowledge which has been brought out in hygiene and sanitation. Some of the greatest achievements in surgery have been demonstrated by those who were not surgeons, neither were they even practitioners of medicine. Bacteriology and the microscope have given us a great deal of information and made possible much that is now being done by the surgeon, and we have good reason to hope that the demonstration of the possibilities of hygiene has only just begun; that the work of the laboratory will be reflected by the surgeon, and that the general practitioner will find in the student of hygiene a co-laborer worthy of appreciation.

Not long since I heard a surgeon say that he was threatened with mob violence in the seventies, because he opened the abdominal cavity in the case of gun-shot wound, and now, he believed, one would be open to censure and perhaps find himself a defendant in a suit for mal-practice, unless, under similar circumstances, laparotomy was performed. There can be no doubt of the progress of hygiene in our surgical work.

Car Sanitation.

At one of the early meetings of the Railway Surgeons' Association I had the honor to present a paper on "Railway Hygiene," and while it was well received, the discussion which followed showed that many of the members present regarded it as a novelty in surgical science, and some even suggested that it was entirely out of place. As railway surgeons we were only expected to discuss questions of what to do for the passengers and employees when they are so unfortunate as to be injured. I well recollect one prominent member very pointedly told us that we were getting out of our place as surgeons, and dangerously near encroaching upon the prerogatives of the management, intimating that we had better mind our own business and not attempt to educate the public nor the management in

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matters pertaining to health, good morals, clean, well ventilated coaches and stations, comforts as well as luxuries to the traveller, the whole to constitute an investment by advertising the possibilities of a through line, the sanitary condition of which might be above criticism.

This was somewhat discouraging, yet other papers were written and other members found a place on the programmes of the Association, contributing valuable and interesting papers on the same subject, all of which have been well received by the public and the management of our railway systems. On some of our roads stringent rules and regulations have been issued in regard to car sanitation, and I believe it to be universally admitted that to allow unclean and therefore unhealthy coaches to run over any line is an unprofitable advertisement—a proper subject for criticism, because with proper attention on the part of the employees it is unnecessary.

Boards of Health.

State and local boards of health have given attention to the nuisance of promiscuous expectoration. Rules and regulations have been posted in street cars and passenger coaches of steam roads. These organizations provide for penalties to be imposed, and one medical journal, in discussing this subject, says:

"The absolute disregard of decency, not to speak of the frequent menace to health, is certainly reason enough for active measures."

The Board of Health of Boston took up this subject, and the management of the two great Union Stations of that city conspicuously posted hundreds of placards warning the public against violating these rules and regulations, signing these placards: "Per Order of the Board of Health."

A few days later one of the newspapers having a large circulation reported through its local correspondent:

"Marked improvement in the condition of the midway floor at the South Station has followed the posting of the notices calling attention to the sanitary regulation against spitting in public places. Similar good results are also noticeable at the North Station since the posting of the health notices."

The management of one of the great stations in Boston, said less than two weeks since, that he believed these notices had decreased this nuisance fully 75 per cent. I believe the management of our roads are making great strides in hygiene and sanitation of passenger cars. In 1894 I carefully examined the rules and regulations that were issued to men by one of our

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New England roads and found only one rule that in any way had a distinct bearing upon this subject. A few days since I examined the last time-table of the same road and found nearly a page of instructions upon the same subject.

It is a gratifying fact to the investigator in sanitation of passenger cars to learn that the general government of foreign countries is taking this matter up and giving it considerable attention. In the January number of the *Revue d'Hygiene* there is given an ordinance of the Minister of Public Works of the Russian government, giving minute directions for the cleaning and disinfection of railway carriages and waiting rooms in Russia. It appears that the circumstances which gave rise to this order were a series of experiments which had been instituted, as early as 1892, in consequence of the arrival at Berlin of an unusual number of consumptives who had hurried thither for treatment, upon the announcement of Koch's celebrated discovery of tuberculin.

Mechanical Department.

The mechanical departments of our roads are taking up the question of ventilation, lights and heating, and are ably discussing the same from the standpoint of the skilled workman. Herein lies the hope of the public, for in the expert mechanic we may hope for the solution of these great problems. Mere theory will never accomplish the results, but when the management of our roads signify their desire for an improvement in any direction, the mind of some expert rises to the occasion, and a well-developed plan is matured, brought to the front, receives a due amount of criticism, retires for further study and perfected design, and finally, like the air-brake, the automatic coupler and compressed air signals, it comes to stay. In this way we have much to encourage us, much to hope for, and good reason, without egotism, to congratulate ourselves and the public on the progress that has taken place in hygiene, consequently in surgery, and to expect even more and better work in the future.

Conclusion.

In reviewing our work during the past decade, we have good reason to be assured that our professional education is better understood by the management; the broad character of our work is more often required, and questions of sanitary importance are more often submitted to us for an opinion. Now while these are not topics strictly surgical in their character, yet they

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are of infinite importance in determining the future income or deficit of the road, and therefore are questions in which the public have a great interest. The general policy of a railroad is one in which the public take a great interest and therefore the good health and ability of the general manager is one of daily soncern to the stockholder and the public.

The railway manager occupies a peculiar position. On one side he is confronted with a demand for low fares for the public, higher wages for the employees, competition with electric rivals for business, suits for personal injuries, losses by fire, the inevitable depreciation of rolling stock and road-bed, and last of all the fanatic on the subject of railway sanitation. On the other hand, the stockholder makes invidious comments and caustic remarks about the management unless he receives from 6 to 10 per cent. dividend; the bondholder must have his interest, the rolling stock, road-bed and bridges must be repaired and renewed every one or two decades or as often as the business requires.

When we analyze what constitutes a fair chance for health and longevity, and consider the immense burden of care, anxiety, mental strain and responsibility, that must be endured from year to year by the management of our great consolidated lines of railroad, it is not a matter of surprise to the medical profession that so many fail to reach their three-score and ten years; but rather that more do not fall by the wayside. Their life is one of constant high pressure, and when we have a chance it is our duty to quietly point out the fact that the brain and nervous system must have its share of rest and repose. In order to perform the best work, and be able to secure the highest degree of mental application, it is necessary, from time to time, to have complete rest from mental strain. At least three months annually should be devoted to hygienic recreation in order to stand the high pressure and intense application to business the other nine months of the year. Good men to manage labor and capital are as hard to find as it is to secure generals to command armies.

In our daily work we come more or less in contact with such men, and our professional education availeth us but little unless we can perform our part in promoting good health and long life to those men who are to-day commanding more than a million of men, and managing billions upon billions of capital. Sometimes they appeal to us for advice. To point out the inevitable

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result of a constant strain upon one's nervous system; the fact that playing upon one string will eventually sever its connection with the nerve centres that control all vital action; to show the possible results of the alternating currents of work and repose, is as much a part of our duty to those who employ us to look after the professional work along these lines, as it is to the public who employ us in their private houses or apartments. It may be said these are delicate matters to attend, and topics difficult to approach. Do not be disheartened; has not our whole professional life been associated with questions that were delicate, and has not our greatest reward been in doing the right thing at the right time?

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PHYSICAL EXAMINATION OF RAILWAY EMPLOYEES FROM A MEDICO-LEGAL STANDPOINT.

BY L. L. GILBERT, ESQ., ASSISTANT COUNSEL PENNSYLVANIA RAILROAD, WESTERN DIVISION.

The safety and comfort of nearly a million people engaged in the same general service, as well as the safety and comfort of many millions more whose lives and limbs are, in a measure, at least, dependent upon the care and efficiency of the million employees, and this without reference to the vast property interests at stake, presents a field of enquiry as to the fitness of the employee for the performance of his duties, not only as to his moral and intellectual but also as to his physical qualifications. My personal belief is, that the moral and intellectual are no less important than the physical, but it is to the latter, only, that we are asked to give consideration in this discussion.

War, for invasion or defense, is the oldest of the honorable professions of which we have record, and probably the first in which any attention was given to the question of physical fitness for the service. The able-bodied have ever been selected, the weak ever left to pursue the more peaceful avocations of life. To-day the greatest care is exercised by all civilized nations to secure the flower of the land to assume the hazards, and to bear the brunt of conflict. A rigid standard has been established, and it is rigorously adhered to, except where necessity compels a relaxation of rules for want of sufficient material from which to draw recruits. Physical fitness is an essential, where the man is hired to be killed, or what is more satisfactory to him, to kill some one else, who has also been selected with equal care by the adversary, more commonly and patriotically termed the enemy.

The marine service of the world is ancient, and is perhaps the first service in which great numbers of men have been employed

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in civil life. Here also physical qualifications were considered probably to a greater degree in the earlier, than at the present time. To secure employment, the sailor must be, and is known as "Able Bodied, seaman," and while the phrase no longer has its old time significance, it is I believe still in common use and indicates the requirement of the period, when it originated, and when health, strength and activity were deemed essentials in an employment no more exacting as to these qualifications than are the essentials necessary to make a good railroader. The railroad interests of the world, and especially of America, are comparatively new. The field until the past few years, has to a great extent been experimental. The dangers were great, and but little known or studied. Methods and appliances were as compared with today crude; the men who had the executive ability and energy to build, frequently succeeded to the management of the properties when completed; they were generals and captains, educated in a school which taught them to successfully command but not in one that gave them the time nor opportunity to study methods of safety in operation, or to give consideration to the welfare of employes. There were of course many notable and noble exceptions, but they were the exception and not the rule. I do not speak as, nor do I think of criticizing this majority; they were merely a part of the general system through the evolution of which has grown the magnificent transportation structure of to-day.

With conditions as they at first existed, railway service was not alluring to the best men. There was no glory which so many willingly risk life to attain. The pay was fair, but twenty years since, not always certain. Under the then conditions railroad companies were compelled to employ those who offered their services, regardless, to a great extent, as to their fitness for the duties to be performed. The result was inevitable and logical. With more than ordinary dangers the best men could not be secured, and without better men many of the dangers could not be eliminated. The law of evolution was however possibly slowly but nevertheless surely working out the problem. The railroads once constructed, those in charge had the time, and the losses if no other or higher motive, compelled them to give attention to the dangers to their employes, and patrons, and to the damage to property in their charge, whether that of the companies, or that which was entrusted to them for safe and speedy transportation

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The dangers were studied, and remedies considered. The quality of rails and condition of tracks were improved, curves eliminated and grades reduced;cars and other appliances were brought to a uniform standard; air brakes and automatic couplers were invented, thoroughly tested, and when found to be efficient adopted. Electric and other signalling was devised and put into operation. Rules for operation, based on experience, were formulated by men competent for the work and made part of the law of the road. Time will not permit of extending the list, nor of giving personal credit to the many men who have so greatly contributed to present results. Each of you gentlemen with your knowledge of the subject, and the conditions past and present. fully realize what has been done, in the last few years, and what is now being done in the direction of securing safety to all whose duties or pleasure require them to serve or to be served by the railroad corporations of our country.

I have briefly called your attention to what has been done mechanically to better the service in which so many are engaged,and upon which so many depend for support. The improvements,so outlined, as they were adopted, made the employment more and more desirable. Year by year railroad companies were enabled to secure a better, more steady and intelligent class of employes. the men of intemperate and reckless habits were gradually weeded out, men with clearer minds, men with more regard for their own and their co-employees' safety took their places, and thus the former dangers were still further reduced.

I think I can say that none of the leading railroad corporations of the United States will knowingly employ, as engineer,fireman brakeman, conductor, switchman, or in any other position where his intoxication can result in personal injury to himself or others any person of intemperate habits. The rule is wise, economical and humane, and by it no one is done an injustice or subjected to the dangers so common in the earlier days of this industry. Many companies now have age limits, under or over which employees will not be accepted in certain branches of the service. Men in the prime of life are required. There is also a growing disposition to select only men of robust physique for certain positions requiring strength or endurance. But few companies however, so far as I am advised, require a physical examination and fitness for all positions in train, road or shop service, save the examination as to sight and

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hearing made obligatory by the laws of a number of States, and it is as to the propriety of and necessity for such examination and fitness that our attention is directed to-day.

If such examination and requirements worked an injustice to any one I should be the last person to advocate or even suggest it. There is however no vested right in an applicant for a position in railroad service, requiring that it be given him. No matter how desirous he may be for the place, such right has no moral or legal foundation. The world is open to him in other fields equally honorable, equally profitable, and generally less laborious, where his disability may not be the cause of such serious results to others. I now speak of new men, and not those who have, under old conditions, served their apprenticeship, qualified themselves to render as efficient service as their faculties and health will permit, who have been faithful and loyal to their employers, and who are now unfitted for other occupations, because they have not learned aad grown up with them. To require examination of these men, and to discharge them if not up to the standard required of new employees, would be to work a serious hardship and to deprive the employers of servants whose long experience and thorough knowledge of the duties to be performed will fully compensate for any physical defect which should, for reasons which I will briefly refer to, prevent new men from entering such service.

If the corporation, as the individual, has the moral and legal right to require physical examination, and to select its employees with reference to their fitness for the position to be filled, we should consider the reasons for, or the objections to so doing. As for myself, I have, as yet, been unable to conceive of one valid objection to the adoption of the practice, while there are many good reasons in its support.

The physically sound man is better able to care for himself in the many contingencies that are constantly arising in his employment. If better able to care for himself, he is also the better able to care for his fellow employees and this care,and the ability to exercise the care, by reason of perfect health, will necessarily reduce the aggregate number of accidents annually occurring upon the railroads of the United States. Better service is secured without the imposing of additional burdens upon the employee.

As physicians so well know, many persons have latent or constitutional ailments, of which they are frequently unaware, conditions, which for their own good they should be advised of, in or-

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der that they may not engage in an employment that will produce or hasten serious results, results which, were they employed in other pursuits, would never fully develop, and notwithstanding which, in other avocations, would not interfere with a reasonably long and useful life. The duty of the company in this class of cases is, if possible, to save the man against himself.

Epilepsy, heart disease, and many other ailments with which you are all familiar, may and usually do not show themselves to the unscientific superintendent, or other officer whose duty it is to select and to hire men; yet as a flagman, a man so employed may at any time fall unconscious, so disabling him for the performance of an immediate and imperative duty, a duty the failure to perform which may cost not only his own, but the lives of others, passengers as well as employes. This is not a chimerical supposition, as from experience I know that in times past, when less care was exercised then at present in the selection of men, one road with which I am somewhat familiar, had several cases of this character. In one, the employee alone suffered, but the result was fatal; in another case the flagman failed to get back the proper distance with his lantern, a rear end collision was the result, and several people were injured. In still another a very disastrous wreck was narrowly averted. Fortunately there have been none of these cases for several years, and with proper examinations by gentlemen of the medical profession, I have faith that all dangers from this course will be eliminated.

The first consideration is, or should be, the safety of the employee and of the public, and I can but believe that you will all agree that this safety will be greater by the employment of the strong and healthy only. As to the effect on the companies who employ, the benefits of examination are equally, if not more, apparent. All railroad men are familiar with the numerous frauds that are constantly being attempted by a certain class of what are termed "stake employees." A man with a hernia or some other ailment or physical defect that can be discovered only by a physical examination secures employment and bides his time till the proper opportunity offers where he can show the existence of some cause which might have produced the hernia, or other injury, which was in fact pre-existing but unknown to the company, leaves his employment, ostensibly to be among his friends or relatives until such time as he is in condition to resume work, and in the course of a few weeks or months returns, demanding compensation for disabilities, which an examination will disclose, and

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prove, by honest witnesses, that on the prior date a hand hold gave way, a brake wheel came off, a sudden jar was given by the engineer, through rough handling of the engine, or any of a dozen equally common occurrences happened, for which the company might be liable, and any of which causes you doctors would say might have produced the conditions you find,. But you can not say whether the history of the case should be written as "Ancient" or "Modern."

These are not imaginary, but actual occurrences, familiar to every claim agent and railroad attorney in the country. Th proof of the fraud is always difficult, and frequently impossible. Thorough physical examinations will almost, if not entirely, prevent these frauds where attempted by men entering the service for this purpose.

If the attorney or claim adjuster knows that an employee has in fact been injured from a given cause, it is compartively easy to determine what should be done by way of compensation for the injury, but if a doubt exists as to the genuineness of the claim no one can satisfy himself as to what he should do. Remove if you can, by a physical examination and record some of the uncertainties which beset the attorney and adjuster; they will then be the better able to do justice to the many deserving cases presented each year.

With a proper and thorough physical examination, and the employment of the sound and healthy only, the possibility of fraud is greatly reduced, the service is bettered, and the corporation can more satisfactorily perform the duties for which it was created, duties of the utmost importance to the civilization of the world and the welfare of its people. The corporation may be without a soul, but it must have a healthy body, and to this end the bodies of its employes, should and must be healthy.

The Medico-Legal features of the subject of your discussion are in a great measure, negative in their character; improve the physical, and the legal will to a great extent disappear. Adopt the practice suggested and recommended by those who have preceded me, and the courts will not so often be appealed to.

One positive and active factor, however, will ere long be a matter of considerable moment. It is a well-established principle of law, that the employer must furnish to the employee suitable and safe tools and appliances with which to work. An accident caused by a defect in material or construction, of which the employer could or should have known, with the exercise of prop-

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er and reasonable care, and of which the employee did not know or could not know, by the exercise of proper care on his part, is one for which the employer is responsible. Where is the distinction between the imperfect tool and imperfect man, provided the imperfect physical condition of the man has caused or contributed to the injury of a third person. With the constant disposition of courts to hunt for new grounds of liability in personal injury cases, it is not unreasonable to presume that they will soon require the same care in the selection of men, that they now require in the selection of a piece of iron or wood, and that they will also insist that the man must not be used past the limit of his ability and strength to bear the burden imposed upon him any more than they will now allow the iron or wood to be used after rust or decay have rendered weak that which was once strong. If this is to be the view of the courts in the future, it is of the utmost importance that railroad companies, at least, recognize the possibilities, and protect themselves, their employes and the public, by voluntarily and at once providing for the future.

A serious problem will be as to what standard shall be adopted in the employment of new men. I have already said that I do not believe the present employees should be discharged for causes which should prevent new men from entering the service I confess myself unable to suggest as to what the standard should be. Operating officers know what duties are required, and there can be none better qualified to formulate rules for examination and a standard of fitness for the performance of these duties than the Railway Surgeons of America.

Let me close by thanking you for your kind attention, and suggest that you appoint a Committee from this Association, to consider and report upon the physical requirements for the perfect Railroad employee, in the branches of train, yard and maintenance of way service: These appear to be of the first importance: the other branches can follow if our conclusions are verified in respect to these.

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DISCUSSION OF PAPERS ON "PHYSICAL FITNESS OF RAILWAY EMPLOYEES,"

READ BY ALBERT BACH, ESQ., AND GRANVILLE P. CONN, AT THE NOVEMBER MEETING; AND BY R. C. RICHARDS, ESQ., J. L. GILBERT, ESQ., AND DR. JOSEPH WHITE, AT THE DECEMBER MEETING.

Discussion of the papers of Mr. Albert Bach and Dr. G. P. Conn, at the joint session of November 20, 1899, was opened by Dr. C. B. Herrick, of Troy, Secretary of the New York State Association of Railway Surgeons, as follows:

I have listened to the paper just read by the President, Mr. Albert Bach, with a great deal of interest, for it is no doubt a matter of the highest importance. The idea of having a doctor on our transcontinental trains is a good one, and I believe that many times suffering would be alleviated by such, both from the attacks of sickness possible to occur among the number of passengers, but in the case of any person along the line being in any way injured by the train. The idea of the hospital car being attached to such trains is not so necessary, and would probably meet with a great deal of objection from our railway managers. In talking, quite recently, with one of our presidents, he said that he believed a car of that nature would afford a suggestion of accident to the passenger to such a degree as to cause him to avoid the train having such a car attached. He thought that anything in the nature of accessories to be used for injuries should be kept out of sight, so as not to disturb the feelings of any passenger. There is no question but what there would be great difficulties in the way of having any such a car adopted, for of all the roads now working a surgical service, very, very few had a hospital car.

In regard to the suggestion, as to the coverings of seats of cars, I believe that rather than to discard the ones that are now comfortable and pleasant to the eye, that such, if properly cared for and disinfected, could be kept entirely free from disease germs. Formaldehyde gas can be introduced into a car, and the interior of such, with all its hangings and coverings, can be made germ free in a few hours, and without the least damage to the most delicate fabrics. I believe this matter of disinfection of cars to be the most important of subjects. There is no doubt but what sleeping cars, on the routes toward winter resorts, are being continually infected, and become means of spreading such diseases as tuberculosis and infeective disorders. The berths are occupied nightly by suffering ones, whose expectorations land on the hangings and sides of the berth, to dry there, and in desicated form, dislodge themselves, to be breathed in by the subsequent occupants of the berth. To obviate this,

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I would recommend that there be built, in each sleeping car, a compartment large enough to hang all the blankets, hangings and bed clothes. After every trip, all such should be hung therein, and subjected to thorough sterilization by means of steam pipes leading directly into such a chanber. This would effectually kill all germs. If trunk lines had a doctor in their constant service to accompany trains on long journeys, the same man could supervise the details in the matter of car sanitation, which would undoubtedly redound to the benefit of the entire traveling public. I believe that a large majority of our coaches and cars are improperly cleaned, or not sufficiently disinfected to make them sanitary or germ free.

Mr. Henry Wollman, of the Bar of New York, said:

While I was listening to the distinguished gentleman read the paper now under discussion, I was forcibly reminded of the little "saw" which, when we were children, we recited at school. It ran:

"He thrusts his fists against the posts,
And still insists he sees the ghosts."

His recital of the terrible outrages the public are being subjected to, in not having surgeons on trains, calls to mind those scientists who are capable of taking up a glass of apparently pure and clear water, and seeing in it all sorts of microbes and bacillii, and other things productive of death; their scientific eyes see death lurking in every drop of the water; yet people continue to drink the same kind of water, year in and year out, and live on, apparently unconscious of the great quantity of death that they are imbibing.

The theory of the gentleman apparently is, that because there occasionally is a very urgent demand on a train for a surgeon, the railroad companies should be compelled constantly to have a surgeon on every train traversing a certain distance; that is just as logical, in my opinion, as it would be for me, because occasionally a button falls off my coat or my trousers rip, to constantly carry a tailor around with me.

The gentleman, as an argument in favor of the necessity of having surgeons on trains going long distances, cites us to the fact that steamships are required to carry surgeons. You can't compare a steamship, which never consumes less than six days in crossing the ocean, to a train of cars in the United States, where, even in the remotest parts of the west, you are never more than two or three hours distant from a city of sufficient size to have a first-class physician or surgeon.

I have traveled over this country, and in every part of the west, possibly as much as any person in this room, and I never but once was on a train where there was any demand for a surgeon, and that quite recently, when a passenger, just after leaving a little city this side of Pittsburg, had his fingers badly mashed by the door of the car. The conductor held the train until he could summon a surgeon from up town. As soon as the surgeon arrived the train started, and two or three stations later the division surgeon of the railroad came on the train, but in the meanwhile the passenger had received the most excellent care and attention.

This Society cannot afford to waste its time in chasing rainbows, or attempting, purely on theoretical grounds, to institute reforms where there is no real need, when there are so many practical questions that it

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can lend its great influence toward solving; and in my opinion, with due deference to the gentleman who addressed us this evening, there isn't the slightest practical ground for asking the railroads to carry hospital cars with a complement of surgeons and nurses, even on trans-continental trains. There are some things in the speaker's paper that must commend themselves to us all, such as fumigating the blankets and linen in sleeping cars; but do you medical men recall any disease spread through failure to do so?

In the course of the gentleman's discussion of his own paper, he has seen fit to denounce the railroads of this country in the severest terms, and you and I know there was no call for it. All of you who have traveled extensively in Europe, will agree with me that the railroads of this country, by comparison, at least, treat their passengers exceedingly well. Of course, there may be occasional outrages and occasional wrongs perpetrated, but the average is exceedingly high, and I think we can safely say that the keenness of competition between rival lines will always insure to the public the best care and attention, and the most ample protection.

I regret that I am compelled to differ so radically from the gentleman, but I cannot help feeling that for the most part he is endeavoring to reform outrages which do not exist.

DISCUSSION OF THE PAPERS READ AT MEETING OF MEDICO-LEGAL SOCIETY, DECEMBER SESSION, 1899.

Mr. Clark Bell said:

I can only repeat here, in regard to the admirable papers presented to this body by R. C. Richards, Dr. White, Dr. Conn and Mr. Gilbert, of Chicago and Northwestern Railroad, what I said before the New York State Association of Railway Surgeons, that I regarded them as most valable and important contributions to the literature of railway surgery.

The substance of those remarks appear in the report of that meeting in another column, to which your attention is directed rather than to repeat the language used.

Dr. Conn is an old and highly esteemed member of the Medico-Legal Society, and is also a member of the Section of Medico-Legal Surgery, and for one term occupied the position of Chairman of that Section.

His paper, read at the meeting of the Section and Society in joint session, in November last, will be found of great value, and his contribution to the New York State Association of Railway Surgeons, which, on account of the limited time, can only be read here by title, shows the extent of the labor of this valuable student of sanitary science in its relation to railways and their management.

I do not care, at this time, to add anything to the remarks I made on the previous occasion referred to, as to the paper of Dr. White, or of Mr. Gilbert, the latter of whom is a member of this body. But in regard to the paper of Mr. Richards, who has recently united with the Section of Medico-Legal Surgery of this Society, I wish to say, in addition, that I hope this paper, as well as the other papers presented this evening, can be laid before the managers of the leading American lines of railway, and that through the good offices of our member, the Hon. A. G. Blair, Min-

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ister of Railways of the Dominion of Canada, they can be brought to the attention of the railway officials of the Dominion.

The railway interest of this country has now become so enormously large, that it would be well for our government to inquire of our Canadian friends whether that interest in America should not be also represented here by a Cabinet minister.

I wish to accentuate and emphasize the suggestions in Mr. Richards' paper, especially

1. I learn, on inquiry, that the following railways in the United States have already adopted the plan, so ably presented by Mr. Richards, as inaugurated by the Chicago and North Western Railway, viz.: The Chicago, Rock Island and Pacific; the Fremont, Elkhorn and Missouri Valley Railroad; the Union Pacific; the Burlington, Cedar Rapids and Northern; the Chicago and St. Paul, Minneapolis and Omaha, Chicago and Great Western, Illinois Central, and the Gulf, Colorado and Santa Fe.

This is certainly a grand beginning, and indicates that the seed planted by the Chicago and Northwestern Railroad has fallen on good ground and is destined to bring forth abundant fruit in due season.

Pensions for Railway Employees.

2. In regard to the recommendation of Mr. Richards, which related to the general adoption of some form or plan of pension scheme, now under consideration by many railways.

His suggestion is timely in its wise limitations regarding the enlargement of a class whose physical defects, at the outset, would be unfair to others, whose benefits would be deferred out of a fair proportion, in contrast with those who were deficient.

Since the paper was written, my attention has been called to the hardships of railway men of great experience and service, who have lost positions on the Delaware, Lackawana and Western Railway, in changes of system and details of management; where men of the highest capacity, after fifteen years and over of service, without any fault of their own, or any pretense of inefficiency, of a railway, that has been justly regarded in the past, as a model and exemplar of all the railways of the nation in the practical working—these men are thrown out of employment on short notice, many of whom have families dependent upon them.

I asked Mr. Richards what plan of pensions he would recommend.

He replies, "my ideas about the pension feature are very vague. I really have not given it sufficient thought to outline a plan, other than substantially the one adopted by the Canadian banks, which, modified to our needs, would be something of this kind: The corporation to start the fund by a substantial donation or appropriation, and pay in a certain amount annually, say three (3) per cent. of its pay roll, or less, the corporation to guarantee the payment of the pension, or if the scheme dropped, to refund to the employee the amount paid in by them, with a low rate of interest; the employee to contribute two per cent., or perhaps three, of their monthly salaries to the fund, and when they reach a certain age, say sixty, to be allowed to retire at half or three-quarters of their salary; that retirement at sixty-five be compulsory; that if there was a widow surviving the party retired, she to draw half pension; it any

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minor children, they to be entitled to a fixed sum during their minority; that if a contributor should leave the service, or be discharged, he should be entitled to have refunded whatever he had paid in, without interest, the old employees to come in when scheme starts; new ones, after a term of ten or fifteen years service; that the maximum amount of pension should not exceed $5,000, in order to avoid paying excessive sums in cases of persons drawing salaries over $12,000, the corporation to have management and custody of the funds. This outline is crude, but I am not in a position to fill it out. With your fertile imagination you can fill out the spaces much better than I could."

I feel under obligation to Mr. Richards for the original suggestions and more especially for the data he furnishes for a scheme of pensions, which, while not pertinent to the discussion of the papers, is one that should receive the thoughtful consideration of the Section, to whom I shall move that this pension system and these recommendations be referred with a view of having a carefully selected committee of Railway Counsel and Railway Surgeons for examination and report.

I close by thanking Mr. Richards for the masterly and comprehensive presentation he has made of this subject, which, I feel, must be regarded by railway officials as the ablest and most complete statement of the subject yet made.

Dr. J. Mount Bleyer, of New York, said:

In entering this discussion I wish to say that I presented to the Royal Academy of Medicine and Surgery of Naples, Italy, in 1894, an elaborate paper on "Tone Blindness, and the Education of the Ear," but do not wish, here, to enter on it any further than to present copies of this paper to the members attending this meeting. I wish here to enter only on the subject of Color Blindness, and give a few important points therewith.

Color Blindness, known under that name, is not by any means a real defect. Many persons are deficient in color sense. This is independent of the fact that much confusion about colors results from the very defective nomenclature which prevails. The defect referred to is where there is an actual want of perception of certain colors; for instance, a person may be unable to distinguish between a red and a green. This was the case with the eminent chemist, John Dalton, to whom red of the most staring hue had the same appearance as a quite greenish green. Such persons are said to be color blind, and the phenomenon itself is known as color blindness, and very often Daltonism. To such persons the spectrum is usually devoid of variety—they see in it only two or three colors. If they are deficient, as is usually the case, in the perception of the red rays, they only perceive two well-marked divisions, which they call yellow and blue, the yellow including all the spectrum lying between the extreme red and yellowish-green, while the blue includes the rest of the spectrum. Often there is in the middle portion of the spectrum a neutral zone, in which no color is perceptible; in the majority of cases this neutral zone is the position of neutral green to the normal eye.

Maxwell, one of the most noted of modern physicists, who investigated this phenomenon of color blindness with the aid of his discs, showed that any color presented to them can be matched with the aid of two colors along with black and white, which proves that color blind people perceive

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only two of the three fundamental colors which are visible to the normal eye. Helmholtz has also investigated this theory of color blindness, and arrived at the same results as Maxwell. The most common form of color blindness is that one alluded to above, where the color sensation for red is deficient. In this case, red objects appear more or less yellow, and it is not possible to distinguish between red and green. A common case is where the eye is deficient to the yellow. To such a person red and violet are easily distinguishable, but green and violet are confused together, as are also blue and red. Yellow has the same effect as, and is indistinguishable from, a bright red; one portion of the spectrum is a neutral zone and appears of a gray tint. Again, still more rarely do we meet with persons who are color blind to violet.

Of course there are degrees of color blindness, as in other defects. In some persons the defect only occurs to a limited extent; they may be able to distinguish the red from the green, but only just; the difference is not so marked as in the case of a normal-eyed person, while there are other cases where we get the extreme kind of defect, where the person utterly fails to distinguish between various colors. Persons who are color blind have, of course, considerable difficulty in matching colors—in fact, it is impossible for them to match correctly the different colors. Testing methods for the color blind are numerous. It may be remarked, in passing, that it is not difficult to ask a person to name the color of a colored object, and to judge of the efficiency of his color vision thereby, for a person may not be actually color blind, but may give wrong names to the colors; he must be asked to match one color by means of another color.

Persons who are color blind often confuse a color that is a mixture of red and violet with a color mixture of red and green; hence color blindness and the character of the defect may often be ascertained by placing before the color blind person objects colored with mixtures of red and green, red and violet, and of green and violet, and asking them to form matches by the aid of similar colors. A red color blind person will match a mixture of green and violet with red, while he would not be able to match a mixture of red and green, for to him this would give the sensation of white or grey. A green color blind person will match a mixture of red and violet with green, while a green or red also would show more or less white to him. The degree of perception of color varies also with the same person at different periods of his life. This has often been noticed in the case of artists. The coloring of the great artist, J. M. W. Turner, varied considerably between his early pictures and his late pictures, and this change is usually ascribed to an alteration in the color perception faculties of the artist.

A normal-eye person may actually render himself, for a brief space, color blind, by looking intently for some time at a red or green surface, or looking intently through spectacles made of colored glass. When he has thus fatigued his eyes to one of the fundamental colored rays, he will find that he is not able to distinguish the colors of objects properly. Another plan which may be followed is to heat some soda in a Bunsen burner, when a yellow light will be obtained, whose luminous qualities are such as to illuminate very well the whole of the objects in a room,

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but it is impossible to distinguish colors, red or green objects appearing to be quite black.

Other senses, as those of taste, smell, and hearing, can also be fatigued for a temporary time.

Dr. Carleton Simon said:

I agree with the doctrine of the paper of Dr. White, read by the last speaker, and would advise that no engineer be allowed to pass a board whose eyes did not respond to tests sufficient to bring them within the margin known as $\frac{20}{100}$, and that to the best of my belief the Pennsylvania Railroad, in their school and in their tests, required this figure to qualify them. I believe that physical tests should not, alone, be necessary, but that even the brakemen on a train should know how to run a locomotive in any emergency; that they should know the telegraphic code of various stations, the different grades of the road, and the weakness of any particular branch. Also they should have a rough knowledge of the amount of coal cousumed and the mechanism of air-brakes, and other details not usually taught, but of inestimable value in an emergency.

Dr. George Chaffee, of Brooklyn, Vice-Chairman Section of Medico-Legal Surgery, Ex-President New York State Association of Railway Surgeons and editor Department of Railway Surgery in International Journal of Surgery, contributed the following to the discussion of the papers read:

The papers taken together cover the subject so completely, the one overlapping the other in such a way as to form one of the strongest and most valuable contributions ever made to this particular branch of railway surgery, and will ever stand as one of the bright stars representing the work of this Association.

The reading of these papers was one continuous round of rapid fire, directed at the old hap-hazard system of selecting railway employees, practically forcing the keystone from the arch of the old structure, the end of which, it would seem, is only a matter of time.

So full of valuable points are all the papers, that one finds it difficult to select those having most force. The entire mass of evidence is in favor of a physical examination; indeed, there is no argument to be presented against the adoption of such a system on all lines, and in this respect the discussion was unique.

The question of liability is raised and answered, and the possibility of legislation considered. All agree that sound timber is preferable to "old scraps," that an age limit, as well as moral and mental standard, should be fixed. Examination of vision, hearing, and the color sense is of vital importance, and re-examination by the oculist, after injury or disease, and for promotions is a necessity. Nearly fourteen per cent. of rejected applicants, as reported by one line, is a high per cent. to reject, but it speaks well for the company that is looking for "safety employees," and should convince any who may be in doubt as to the necessity of an examination. The adoption of a "universal system of examinations," will recommend itself, and place the various companies in line for the consideration af the pension and insurance features.

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Men "who are especially qualified to do such work" should be placed in charge of this service, and it is said that "the railway surgeons of America" fill the requirements. And this brings us back to the hub of the wheel, or foundation upon which all these important features are resting, viz.: a surgical service on railways.

Viewed from whatever standpoint we may select, we are forced to conclude, that this child or question of fitness, with its examinations, is a part of, and can not be safely separated from its parent, the surgical department.

We are told that corporations examine, inspect and test all material used in their service, "with one exception," that they have well equipped work shops, and when a car, or any part of it, is in need of repairs, it is at once sent to the company's shops, where it is examined and repaired by the company's own men, specially trained for the work. On many lines, an applicant is still employed without examination, and when he falls sick, or gets injured, and this man, this human machine, "the noblest work of God," is in need of repairs, is he sent to the company's hospital? If employed on some lines, yes, but if on certain other lines, no. Many lines have no hospital or repair shops, for their men, and this work is turned over to entire strangers. Other lines consider it economy and humane to provide hospitals or repair shops for their men, keeping this branch, (surgical work), as well as all other branches of their business in their own hands, and that is business.

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NEW YORK STATE ASSOCIATION OF RAILWAY SURGEONS.

NINTH ANNUAL MEETING.

This body met at the New York Academy of Medicine on November 16, 1899, Surgeon Theo. D. Mills, of Middleton, N. Y., in the chair; Surgeon C. B. Herrick, of Troy, N. Y., Secretary.

The morning session was devoted to the special topic of "Physical Fitness of Railway Employees," and the following papers were read:

1. By R. R. Richards, of Chicago, Ill., General Claim Agent Chicago and North Western Railroad, "As Viewed from the Operating Department."

2. By Dr. G. P. Cohn, of Concord, N. H., Chief Surgeon Boston and Montreal Railroad, "As Viewed from the Surgical Department."

3. By Dr. Joseph White, of Richmond, Va., Ophthalmic Surgeon C. and O. R. R., "As Viewed by the Occulist and Aurist."

4. By L. L. Gilbert, Esq., of Pittsburg, Pa., Assistant Counsel P. R. R.

These papers were discussed by

Dr. Wm. D. Middleton, Chief Surgeon Rock Island Railway.

Clark Bell, Esq., Chairman Section of Medico-Legal Surgery, Medico-Legal Society.

Dr. J. F. Valentine, of Brooklyn, N. Y., Chief Surgeon L. I. R. R.

George Marsden, Claim Agent N. Y. and O. W. R. R.

At the afternoon session the following papers were read:

1. President's Address. By Surgeon D. Mills, M. D., of Middletown, N. Y., President of the Association.

2. Where Hydrogen Dioxide is Harmful." By Robt. T. Morris, M. D., Professor of Surgery, Post Graduate Hospital.

3. "Dislocation of the Shoulder, with Fracture of the Neck of the Humerus." (Three cases treated by operation.) By B. F. Curtis, M. D., Professor of Surgery, University and Bellevue Hospital Medical College.

4. "Emergent Surgery." By John L. Eddy, M. D.

5. Report of a Case of Traumatic Aneurism of the Ulnar Artery." By Chas. E. Townsend, M. D.

An exhibition and explanation of a lamp for the detection of color blindness was made by Dr. Chas. H. Williams, of Boston, Mass., Occulist of the New Haven Railroad.

The following officers were duly elected for the ensuing year:

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President—Surgeon John L. Eddy, M. D., of Olean, N. Y.

Vice-Presidents—1st, W. R. Townsend, M. D., of New York City, Erie Railroad; 2nd, H. P. Jack, M. D., of Camistee, N. Y.

Secretary—C. B. Herrick, of Troy N. Y., D. and H. R. R.

Treasurer—T. D. Mills, M. D., of Middletown, N. Y., O. and W. R. R.

There was a large attendance of members, and the meeting was a very successful one.

The discussion of the papers at the morning session was opened by Clark Bell, Esq., Chairman of the Section of Railway Surgery of the Medico-Legal Society. Mr. Bell said:

I have been requested to discuss the several papers presented this morning by Mr. R. C. Richards, of Chicago; Dr. G. P. Conn, of Concord, N. H.; Dr. Joseph White, of Richmond, Va., and Mr. L. L. Gilbert, of Pittsburg, Pa., and I take pleasure in stating that I am delighted with the tone of the papers. I think the paper read by the gentleman from Chicago, Mr. Richards, of the Chicago and North Western R. R., is certainly the most practical, lucid and voluminous presentation of the subject that has ever been given, and one that should be studied by claim agents, counsel and physicians.

It practically insists on having the same general standard of examination for employees of railways, which now number nearly a million of men in North America.

When we reflect, that at the close of the first third of the present century there was scarcely a railroad in the world in operation, and when we consider that now there are more railways in America than in all the world besides, it is natural, that by virtue of our position, we should be the leaders in developement in railway management and operation. When we come to consider, that within the last fifteen years the evolution in railway structure and management has developed so marvelously and extraordinarily, the injuries resulting from accidents swelling in proportion, it is natural that the managers of railroads should carefully consider how they can carry on their business without having a physical examination of their employees. Allusion has been made to our police force. None can get there without a rigid examination, and so the best material is obtained by reason of this examination. And yet many railroads go on employing men right and left without attention to this question at all. All other great enterprises have this preliminary examination of their employees. Of course, it is not absolutely necessary. But I shall be glad if Mr. Richards will send me his paper to be read before the Medico-Legal Society, and published with the very important tables referred to by him, in the December number of the Medico-Legal Journal. I must compliment the west, which has done so much in the introduction of hospital work and hospital service on the railroads of the United States, and must express regret that our great New York Central Railroad has no hospital service or chief surgeon or hospital system. I am glad to see that western men are in control of the Delaware, Lackawanna and Western Railway. There is great room for developement in the field to which our attention has been called this morning.

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Dr. Richard's contribution is one of the most valuable I have ever listened to.

Dr. Granville P. Conn's labors have been of enormous services to the New England roads. I endorse the leading views of his paper, and I congratulate this Society in its success in bringing this eminent man into this work to-day.

I was particularly interested in Dr. White's paper. I have not much to say in regard to color blindness. By color blindness we mean generally the inability to detect or discriminate between colors. Now, what is color anyway? It is the particular impression made upon the mind which we dominate red, blue, green, etc. Now, all believe that each color presents some sort of an impression on the senses in color blind men, so that some of them can discriminate one from the other. I think it would be wise for Dr. White to consider what could be done to make this man indicate, detect or recognize that which we call blue, green, or white.

Dr. White makes a nice distinction between "color sense" and "color knowledge." He says, "a man can have color sense perfect and his color knowledge *nil*." "He may not be able to name colors with a defective 'color sense,' and that a knowledge of colors does not always indicate 'good color perception.'"

He says he has seen color blind persons who had marvelous ability to name colors in a good light, judging, as he thought, by the intensity of the shading and illumination; and that he has seen others with perfect color sense unable to call the names of colors because they had never learned the names.

Now, it has occurred to me, that the students of this branch of scientific inquiry should go farther than they seem to have gone. What is color, as we understand it? How is any standard of color set up among men?

For the purpose of signals, if an engineer can detect and discrimate between a blue, a green, or a red light, that is what is required.

The impression made to the senses by the action of the optic nerve produces certain sensations. Those of a certain character have been denominated red; of another, green; of another, blue, and so on through the whole range of colors. How are we to define these sensations in those we call color blind?

If an engineer sees a signal that he is told is a red signal, and if he finds that he is regarded by the tests as "color blind" should it not be ascertained whether he cannot, by comparison, locate and define the sensations produced on his perceptions by that color, so as to recognize it when he sees it. If this is true in green and blue, and those colors we use in railway signals, and the white bright light, he is safe It does not follow that his sensations, in seeing red, differ from yours or mine when we see red. The question is, can he tell at sight, by any sense produced on his vision, that color we call red, safely and certainly? Can he do this of green, white, blue and other signal colors? If he can he is safe. If he cannot distinguish one of these from another, he is unsafe. If all colors look alike to him he must be rejected so long as we use colors for signals.

Dr. White's criticism of the chief surgeon of one of our most promi-

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nent railway systems, as to the value and importance of good brains and common sense in a railway employee, as against good color perception, should be taken *cum grano salis.*

I know the chief surgeon to whom he refers as one recognized among the ablest of the nation, with an immense experience.

He may have been misquoted in that discussion, or he may have sought to accentuate and emphasize the greater danger of a want of general intelligent and practical common sense of engineers and signal men, than mere perception of colors.

Certain portions of Mr. L. L. Gilbert's paper strike me as worthy of serious thought and especial attention. I shall refer only to some of the more salient, more for the purpose of accentuating them, than with any hope of adding to his admirable presentation of the subject. The railways of the United States have grown to such enormous proportions, and the number of employees compose such an army, that the proper selection of employees assumes a graver question than it would otherwise be. There is now more than 180,000 miles of railroad in America, exceeding the railways of all other countries combined, with their great army of employees, which gives something of an idea of the importance and magnitude of the questions involved. One of the most pregnant sentences Mr. Gilbert uses is the following:

"I think I can say that none of the leading railroad corporations of the United States will willingly employ an engineer, fireman, brakeman, conductor, switchman, or a man in any other position where his intoxication can result in personal injury to himself or others, any person of intemperate habits. The rule is wise, economical and humane, and by it no one is done an injustice or subjected to the dangers so common in the early days of this industry."

What an enormous truth this becomes for the consideration of the young man who enters the service of railway corporations. How can such an announcement of a leading counsel of a great railway be accentuated by the railway surgeons? How can it be illumined and brought to the perceptions of the great masses of the common people? Does it meet your approval as a reasonable and safe rule for the guidance of a great railway in its relation to its employees, and is it fair and just and safe?

Railway management is a growth. The first railway was run at the end of the first third of the century now closing. It has progressed slowly. The last fifteen years of the century have given more substantial fruits in progress than all the preceding years since 1832. This assertion relates more to the new employees than to the old ones.

No class of men are more conservative than railway managers. They may retain an old employee close to the border line of this exemption, because of unwillingness to discharge tried men and old employees, but a road that lives up to the spirit of this principle is safe, and though in many cases a strict adherence to the letter and spirit of the tests might seem harsh and hard to men of long service and experience, it could not be criticised by the traveling public.

I have thought that the whole subject of railway surgery should be brought to the attention of the Paris Congress of 1900. I have been asked by Professor Brouardel, Chairman of the Section of Legal Medicine, to arrange an Auxiliary Committee, and have done so, and submit

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that correspondence and the committee, and the papers already announced, to your body in this short prospectus.

I call to your attention that Dr. Geo. Chaffee will contribute a paper on railway surgery to that Congress; that I have undertaken to do so, and that legal and medical men connected with railways should do so and send me the titles of their papers. I will not take your time to read this prospectus, but I ask you to read it and act upon it.

Thanking you for your courtesy in listening, and your officers for the honor of the invitation to participate in this discussion, I congratulate your body on the excellence of its labors at this session.

Chief Surgeon G. P. Conn, M. D.; Chief Surgeon John F. Valentine, M. D.; President Elect, John L. Eddy; George Marsden, Esq., Claim Agent O. W. R. R., and the authors of the papers, took part in the discussion.

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PSYCHOLOGICAL.

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U. O. B. Wingate, M. D., Milwaukee, Wis.
Prof. W. Xavier Sudduth, Chicago, Ill.
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as the organ of the Psychological Section.

The Psychological Section of the Medico-Legal Society has been organized, to which any member, Active, Corresponding or Honorary, is eligible on payment of an annual enrollment fee or dues of $1.50.

Any student of Psychological Science is eligible to unite with the Section without joining the Medico-Legal Society on an annual subscription of $1.50, payable in advance and receive the MEDICO-LEGAL JOURNAL free. The officers for 1899 are as follows:

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PREMATURE BURIALS.

BY HENRY G. GARRIGUES, A. M., M. D., OF NEW YORK CITY.

Physicians differ much in their views in regard to the question whether live burials are frequent or not, some declaring that they never occur, and one, who has made a special study of the question, that out of every two hundred persons one is buried alive.

I am far from agreeing either in one extreme or the other, but I do believe that premature burials are not very rare, and I base this belief on the fact that graves so extremely rarely are reopened and still it is asserted that on such occasions sometimes it became evident that the inmate of the grave had revived in his coffin.

Secondly, and this consideration has much more weight with me than the first, I base my belief in the comparative frequency of premature burials on the numerous cases in which people have had narrow escapes from being buried alive.

Thirdly, I base my belief on the unreliability of the so-called signs of deaths, with the sole exception of unquestionable putrefaction of vital organs.

Fourthly, I base it on the absence of proper laws to protect the apparently dead against live burial.

Fifthly, And lastly, I base it on the carelessness with which death certificates are signed by physicians.

The time allotted me is so short that I cannot do more than skim this interesting subject.

Unfortunately newspaper reports of cases showing live burials are often pure inventions and can therefore not have any weight in an argument.

But among those who have had narrow escapes from being buried alive are men so worthy of credence, that we would have to reject all historical evidence, if we would refuse to admit their tes-

Read, December 19, 1899, before the Section on Medicine of the New York Academy of Medicine, and contributed by him to the discussion of the subject before the Medico-Legal Society on December 20, 1899.

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timony, such men as the celebrated anatomist Winslow, who twice was laid out as a corpse, and the eminent French Cardinal and Senator, Donnet, who heard the whole burial service of the Catholic Church pronounced over himself.

In the course of time numerous signs of death have been announced: cessation of respiration, arrest of circulation, purple decoloration of the dependent parts of the body, parchment-like appearance of a place of the body denuded of epidermis, rigor mortis, the formation of a blister by the application to the skin of a hammer dipped in boiling water, and, best of all, putrefaction of the vital parts of the body. Besides simple signs of easy verification, there are others more difficult to test or less reliable upon which time does not allow me to enter.

Of the first group decomposition is the one irrefutable and reliable sign of death. Of the others we can at best say that the more of them are combined, the surer is the evidence that a person is dead.

Our legislation concerning burial is all in favor of the survivors, and not a thought is given to the possibility of apparent death. It is left to laymen who happen to be present when a persons ceases to breathe, to declare him dead. Ignorant midwives, this spot upon a civilized community, are allowed to sign death certificates. The law does not prescribe even an inspection of the supposed dead body, much less any special tests to ascertain whether death is real or apparent. It does not in any way ask the signer of the certificate upon what ground he or she declares a fellow-being to be dead.

Is it so simple a matter to decide, and is it quite sure that every physician and every mid-wife, whose signature consigns a person to his grave, are quite familiar with the reputed signs of death?

As a matter of fact, many physicians do not even glance at the supposed bodies of their patients, but sign the certificates of death on the report of friends or strangers present at the supposed death. What, then is needed to put an end to this disgraceful remnant of barbarism?

Personally, I am in favor of waiting mortuaries, where bodies should be kept under proper supervision till decomposition has begun. Some recommend cremation, which certainly is preferable to live burial; but how terrible must be the feelings of the apparently dead, when he knows that he is going to be thrown into the all-consuming furnace.

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In the absence of something better, I hail the apparatus of Couut Karnicki as both ingenious and practicable; but since the person lying in his coffin in the depth of the earth, even with admission of air and light, is in an unenviable position, great improvements are called for in the rules and regulations governing burials.

First. Only authorized practitioners of medicine should decide, whether a person is dead or not.

Secondly. The blanks for certificates of death should contain questions in regard to the chief signs of death, and the physician signing the certificate should answer each question with "yes" or "no," besides declaring that he personally has examined the body.

Thirdly. It should be made a crime to do anything to the supposed dead that would cause pain or injury to a living person, before the certificate is signed.

As long as nothing of the kind is done, none of us has any guarantee that he will not be buried alive, thrown into a glowing furnace, or be killed by the performers of autopsies, the undertakers with their ice-box, or the embalmers with their solution of arsenic.

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PREMATURE BURIAL.

DISCUSSION OF THE PAPER OF E. CAMIS, ESQ., AND THE QUESTION OF PREMATURE BURIAL AT THE DECEMBER MEETING OF THE MEDICO-LEGAL SOCIETY, 1899.

Mr. Durand, acting for M. Camis, Esq., who was not sufficiently acquainted with our language to read his views before the Society, quoted, in support of the paper, and as additional and auxiliary thereto, some extracts from a paper read by Monsieur E. Camis before the New York Academy of Medicine on December 19, 1899:

"In what we are concerned, it has been pretended that medicine is now sufficiently equipped to diagnosticate real death. Our duty was not to reject this statement *a priori*, but to restrain it. We have made inquiry among savants who have made a special study of the question, and particularly that of lethargy.

"Lethargy in fact presents all the characteristics of true death: stoppage of the heart, total insensibility, complete coldness, corpse-like rigidity, etc., with this particularity, however, that the sick person hears and even sees to some extent, and that, so to speak, he assists at his own interment: which exceeds the terror of the most awful tortures.

"On this question, here is the testimony of the learned Dr. Hartmann (Austria). In his book called *Buried Alive*, first published in English, then in German, and translated into French by Miss Mary de Komar, he mentions 68 cases of people considered dead who were prepared for burial and who, most fortunately, returned to life before being put in the tomb. All the cases are referred to in foot notes. In his remarks at the end of the volume, he states that in the space of a few months, he has received communications from 30 cases of lethargy from the very individuals who have escaped inhumation as by a miracle.

"I wish I could pass all the cited cases before you.

"And what is Dr. Hartmann's conclusion from all this? It is that there is only one proof of death, viz.: decomposition of the vital organs.

"In presence of such indisputable facts I might rest as being well grounded as to the value and guarantee of the medical attestations of others. But let us proceed.

"Dr. Icard, of Marseilles, in his volume *Real and Apparent Death*, presented and discussed at the meeting of the French Society of Hygiene, Feb 12, 1897, passed in review and refutes all the means employed to establish real death. Whatever people say or do, the diagnosis, in his opinion, remains uncertain and cannot in any case assume the value of proof. And the final term of the analysis is expressed in this formula:

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'Apparent death is life under the externals of real death.' What an avowal, and what uncertainty!

"Dr. Fauveau de Courmelles, in the *Journal d'Hygiene* (Paris, 1897), Dr. William Tebb, in his fine work, *Premature Burial*, considering that the distinction between apparent and real death has hitherto escaped all investigations and that it still remains a disquieting problem for humanity, absolutely condemn radical and final burial as ordinarily practiced and side by side with the hygienic safeguard given to the living, claim a safeguard for the dead, or those who are considered such. The beginning of putrefaction of the vital organs, in their opinion, as in that of the rest of the chief medical men who have studied the signs of real death, furnishes the sole reliable proof that is capable of satisfying research, and this notwithstanding the multiplication of works and the perseverance of savants." * * * * * * *

"Lastly, mortuary or obituary houses exist in several European countries, Italy, Bavaria, Belgium, Switzerland, etc., and seem to be indicated as definite means to recognize real death. In the annexes built beside cemeteries the dead can be placed under observation and, as decomposition is sufficiently characterized, they are entombed. I have visited some of these pavilions and I owe it to the truth to state that I have indeed seen the place for the dead, but no dead.

"Public opinion is quite naturally opposed to this exhibition. I do not wish to discuss it; I need only state the fact, and I maintain it. But an invincible repulsion will always exist for a procedure which respects neither the secret of sorrow, nor intimate sentiment, nor even public hygiene; for the inevitable exhalations of the mortuaries would become a danger for the neighboring population, without prejudice of the asphyxia they would surely entail upon lethargics who have been put away too soon. To mention the use of mortuaries is to condemn them.

"Thus, if I compare with 'Le Karnice' the ways and means hitherto extolled to obviate precipitate burial, I can find none that offers its technical value and its guarantees.

"This declaration made by the illustrious Dr. Richet, professor of physiology at the Faculty of Medicine in Paris, has drawn from him this exclamation which I regard as definitive: 'The problem is solved; lethargy is vanquished!'

"What is the final outcome? From the testimony of the above-mentioned doctors, five persons in a thousand are buried alive! According to the declarations made by grave-diggers of the great cities of all countries, when, at the end of five years, the dead are removed from the common grave, they find in the coffins convulsed skeletons, with fists clenched, twisted and raised to the jaws! In every part of the world, there is not a community of any importance, town or village, where some memory is not preserved of people buried alive, and this memory remains like a permanent terror through all time!"

Mr. Clark Bell said:

The subject is one that had engaged the attention of this body hitherto. Papers have been presented by H. J. Garrigues, M. D., and by H. Gerald Chapin, Esq., the latter of whom had formulated a bill which had been laid before this Society, introduced into the legislature of the state of

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New York, and published in the Medico-Legal Journal. When the invention of Count Karnicki had been brought to his notice by M. Camis he had introduced him to Dr. H. J. Garrigues, requested him to examine the apparatus with care, and give his opinion concerning its practicability, utility and safety. Mr. Garrigues sent, in response, a letter, which is submitted.

NEW YORK, November 28th, 1899.

CLARK BELL, ESQ.,
39 Broadway, City,

Dear Sir:—I have examined the "Karnice" apparatus. It strikes me as very valuable. It is ingenious and simple of construction, and might be used without all the drawbacks connected with waiting mortuaries.

H. G. GARRIGUES,
716 Lexington Ave.

Mr. Garrigues had introduced M. Camis to the Section on Medicine of the New York Academy of Medicine, where he was announced to read a paper, aed submit and explain the working of the apparatus before that Section on December 19, 1899, and I was honored with an invitation to attend that demonstration and take part in the discussion of the subject, in which Dr. H. J. Garrigues was also announced to read a paper.

M. E. Camis submitted his paper to the New York Academy on December 19, and made a careful and thorough demonstration of the working of the invention, which is shown in the drawings I now submit to the Society, and which accompany the papers of M. Camis, presented this evening. I heard Dr. H. J. Garrigues' paper read at the Academy, and the working of the apparatus seemed perfect and adapted to successfully guard against premature burial in all cases of catalepsy, long suspended animation, and other cases. It is possible that trials would show what improvements were desirable or necessary, although no improvements seem to be needed. What seemed most important was the extreme simplicity and economy in its construction and use. An apparatus, if used on one grave in a cemetery, could, without expense, be used on another, after one week or ten days. The entire cost of the whole apparatus being, as stated, only $18, would enable any cemetery to keep enough of them on hand to place one on every new grave without any great outlay, and at a nominal rental for each one used.

Assuming, as it seemed, that the apparatus was a safe and sure preventative, its value could be best stated as follows:

1. That it would allay and terminate the mental disquietude, fear and suffering of that large body of our people who dreaded the risk of premature burial.

2. It would reduce to a minimum the dangers of those terrible mistakes, which occur in preparing bodies for interment, before burial, and which have occurred so frequently.

3. It would be a safe, reliable and inexpensive remedy and preventive against any one being actually buried alive.

It is not necessary, here, to enter into any discussion as to the frequency of premature burials. It is not necessary, here, to agree with those who deny that such a result was impossible, and that it never did or would occur; as such a contention is against the common sense, judgment and experience of mankind. Nor was it necessary to agree with

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those who exaggerate the evil, by stating that one case would occur in every 5,000, 10,000 or even 50,000 cases.

I have good reason to believe that one case may not occur in every 100,000 cases, or even more; but the relief to the fears and anxieties of those men and women who contemplate such a calamity with dread, is worthy of the serious consideration of this body, and I shall ask leave to move that a committee of three be named by the chair to carefully examine into the workings of this proposed remedy, and report their conclusions to this body.

The best contribution, which I recall, on "Signs and tests of death," is that of Justin Herold, M. D., of New York, in a monograph, showing great research. I make a few extracts from the work of this able student and author of "Herold's Legal Medicine :"

"To be buried alive is beyond question the most terrific of those extremes, which has ever fallen to the lot of mere mortality. That it has frequently—very frequently—so fallen, will scarcely be denied by those who think."

As to the fear of this fate, Dr. Herold says:

"There has been among the people of all countries, for all time, a dread of being buried alive. It has become a nightmare to some, haunting them, until cutting of the radial has been incorporated as one of the provisions of their will, to be carried out after death, in order to prevent live burial."

Dr. Herold tabulates the signs and tests of death as follows:

"I will now consider the signs of death and the tests therefor, as I found the former, and as opportunity afforded me to apply the latter.

"The following order was observed, in noting the principal signs and tests of death:

1. Cessation of Respiration.
   a. Mirror test. *b*. Feather test. *c*. Water or Mercury test. *d*. Stethoscopic test. *e*. Rythmic traction of the tongue.
2. Cessation of Circulation.
   a. Stethoscopic test. *b*. Ligature test. *c*. Scarification and cupping. *d*. Opening of an artery. *e*. Needle test (Cloquet's). *f*. Fluorescine test. *g*. Injection of ammonia (Monte Verde's test). *h*. Diaphanous test (Carriere's). *i*. Rœntgen ray.
3. Changes in the Eye.
   a. Test by bright light. *b*. Test by mydriatics. *c*. Test by ophthalmoscope. *d*. Test by ophthalmotometer.
4. Loss of Animal heat.
   Temperature test.
5. Loss of Sensation and of Motion.
   a. Electric test. *b*. Heat test. *c*. Caustic test.
6. Muscular Flacidity and Contractility.
7. Cadaveric Ecchymoses, Licidity or Hypostases.
8. Cadaveric Rigidity, Cadaveric Spasm, Rigor Mortis.
9. Putrefaction."

He carefully and seriatim discusses at length, in this monograph, each of these heads, and concludes a very able examination of the whole subject of "Premature burial and signs and tests of death," with the following conclusion:

"My conclusions, then, are that, as a certain sign of death, we need putrefaction, which, in itself, may be taken as a test; but the most certain test to be applied, without possibility of error, I hold to be the prompt and immediate opening of the radial or temporal artery."

H. Gerald Chapin, Esq., said:

The subject which we are discussing to-night is one of the deepest inter-

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est. Our medical friends may sneer as much as they choose at the likelihood of premature burial. As one of their own number has once observed, "The physician cannot follow his patient to the grave." On the other side of the Atlantic Col. Vollum and Mr. Tebb have been laboring diligently in the cause of burial reforms, and have collected in their work hundreds of well-authenticated instances in which premature burial has occurred. Our medical friends may ridicule as much as they like what they are pleased to call "newspaper accounts" of occurrences that never existed. I am a subscriber to one of these conveniences of the nineteenth century—a press clipping bureau, and there is scarcely a week which does not bring to me a dozen accounts in which burial has either occurred or was about to occur when prevented, when the supposed corpse was merely in a condition of catalepsy. Now in all probability, as they assert, the larger part of these gruesome stories have originated in the fertile imagination of a reporter only, yet it is highly improbable that all are false. Where there is so much smoke, fire must exist. I have had the honor of preparing two bills, which were introduced at the 1898 and 1899 session of the New York legislature by Assemblyman Redington. In terms these provided (following out the German system) for the establishment of mortuaries in connection with each cemetery, to be maintained at the expense of each cemetery corporation. In such mortuaries were the dead, or supposed dead, to be kept until decomposition plainly appears. In addition to this, certain tests were to be made, or rather, a certain examination was to be made, and a certificate was to be signed by the examining physician, which would show the existence or non-existence of rigor mortis, blistering (upon the corpse being touched with a hot iron), etc. Within a week after the act had been introduced, I received a call from the representative of several of the corporations affected, who, in the course of conversation which ensued, appeared to take the ground that the action which I had taken was only intended as a highly improved form of "strike legislation." I merely mention this as an instance to show the spirit in which the act was received in certain quarters. It has been frequently asserted that no single case has occurred in which there has existed such a state of catalepsy as to deceive a physician. It has also been said that in no instance has it been shown that any of the supposed deceased persons, placed in German mortuaries, have been resuscitated. Both of these statements are undoubtedly untrue. As all of us know, there is a member of this very Society who had been pronounced dead and who was only revived just before burial. The recently reported case of Baron Carve is an instance in which the body was placed in the coffin and the coffin placed in a niche. Fortunately the supposed dead man revived before the mason arrived to seal up the vault. As to the second allegation, I might remark that I have been assured by both Col. Vollum and by Mr. Tebb, the head (though unofficially) of the English Association for the Prevention of Premature Burial, that there are probably a dozen individuals in Munich to-day, who have come to life in the mortuaries of that city.

Now, while not quite prepared to abandon the projected legislation, I must confess that there are several things which certainly appeal to me as being much better in the system of M. Camis. No doubt the question

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of expense will appeal most forcibly to our friends, the cemetery corporations. Their representative stated to me that it would cost them $150,000 per year, each, to comply with the terms of the act that had been introduced; but here the cost is reduced to a minimum. Mortuaries are certainly repulsive places at best, and there is undoubtedly a feeling of sickly sentimentality, which, ridicule as we may, we cannot obviate, which shrinks at the idea of having bodies of friends and relatives exposed in a public place, for a greater or less length of time before burial; for in but a few instances is it probable that families will avail themselves of the permission accorded by the statute, and keep the body in their home. In fine, it would seem that general sentiment would be much stronger in favor of a means such as is suggested by M. Camis, and I, for one, am inclined to wish him success.

Dr. Carleton Simon said:

I do not believe that 1 in 200 people are buried alive. I believe this extravagant; but possibly 1 in 30,000 may be within the ratio of possibilities. No general average can be gained by following any statistics, for no statistics could be made or obtained upon this subject. I do not believe that the invention of the instrument has any broad practical value, for a few days' testing over a supposed dead body would be insufficient, as people have been known to remain in the lethargic state for weeks and months; and the natives of India—those fanatical ascetics who believe that by privation they gain their heaven—have been known to be buried alive for several months. This will necessitate careful watching over a corpse, for that period, to exclude any possibility of error. We have far more simple ways of diagnosing death—by the mirror, which, held over the mouth of a live body, will become covered. This latter test is not always positive, for the temperature of the body may be below par, and the room so darkened as not to permit a good observation. Then there is the photographic vibration test, which is impracticable because of its technique. There remain the reflex tendon test, and the contraction of the pupil test, which are not always positive indications, because paralysis and brain diseases have to be excluded. The most positive indication of death I know of, and one followed by me whenever the necessity has warranted it, is the division of a small artery; for in death the circulation has ceased, and its ceasing is a positive cause for the coagulation of blood in the body, to a more or less extent. Even in this, death by electrocution must be excluded.

To sum up, I would state that, rigor mortis having set in, and the case meeting all of the practical tests mentioned by me, I would declare death to be present, without resorting to other impracticable tests, such as the spygmographic tracings, or examination of hæmation in the blood.

Again, the case in doubt must meet with all the symptoms—positive, not negative—found in lethargy, to diagnose it as such. In conclusion I would state, I believe, not as a necessity, but to quiet all fears and any doubt of death in an individual, that the state should enact a law necessitating the signing of the death certificate by two physicians, instead of one, which would be manifold in progressive value, not alone by preventing crime, but error as well.

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Mr. Henry Morrison, of the Bar of New York City, said:

The subject is one on which the speaker who now addresses you has felt a deep interest for some years. He has given it considerable thought and devoted some considerable time and study to an investigation of its existence and means of prevention. and has collected, from various sources, literature regarding it, which he will be glad to place at the disposal of the Society, if desired. Family bereavements have interfered with a continuance of a series of investigations and efforts planned by him to meet this question, which he has heretofore explained to Mr. Clark Bell, your President-elect. They may be briefly summarized, as follows:

1. The placing of a person, with care, in an unclosed receptacle.
2. The conveyance thereof to a local repository, no less safe than a dormitory, in case of suspended vitality.
3. The repository watched night and day by trusted employees.
4. The body to remain under observation until decomposition, involving each vital organ, occurs, and then a certificate of a competent physician to be requisite for an interment.

With those who dispute the necessity of precaution against premature burials no contention is desirable, but quoting Descartes, who said: "There is nothing in human affairs, or philosophy, but admits of an affirmative or negative proposition," is sufficient answer not to refrain from debate on this gruesome question. It is not necessary for us to inquire, in such a discussion, what percentage of our race has been buried alive. The anguish of the human mind, which is so affected by the dread of such a fate, concerns the living rather than the dead.

There can be little doubt that there is perhaps, and probably more than, 5 persons in every 1000 of the human family that are afflicted with this awful fear of being buried prematurely. Confessing the anguish of those who suffer this fear among us gives us a greater anxiety than can well be defined, and deep interest in their behalf must be recognized, especially by a Society like this, devoted to purposes of assuaging human anxieties.

The apparatus, presented by Mr. E. Camis, I have examined with great interest and, I may say, with satisfaction. I admire the economy as well as the extreme simplicity of its construction. So far as I am able to judge, it seems to me to be a complete prevention against premature burial. If it should be so generally regarded, it would be a great boon to mankind in allaying existing apprehensions, and it would doubtless reduce to a minimum the dangerous consequences of those narrow escapes, of which we hear so frequently, on the part of careless attendants.

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EDITORIAL.

CONGRESS ON "TUBERCULOSIS AND ITS MODERN TREATMENT.

It has been decided by the management of the Medico-Legal Society, to devote an extraordinary session to "Studies on Tuberculosis, its Management and Modern Treatment," on the third Wednesday of February, 1900, at a regular meeting in this city, to open a full investigation and discussion of the whole subject, and to invite the leading American scientists and specialists to contribute papers, and unite in the discussion of this subject, and the most advanced and modern treatment of tuberculosis.

The following questions have been decided upon to be submitted for this discussion:

1st. Special hospitals and sanitariums, their construction and operation.

2d. What are the most successful methods of treatment?

3d. Individualization of certain forms of tuberculosis, its importance and necessity.

4th. Is change of climate a necessity for successful treatment?

5th. Should the use of anti-toxines in tuberculosis be condemned from a purely scientific point of view?

It is proposed to announce, in the programme, the name of one or more experts, who will submit a paper upon each of these questions.

As a large number of the specialists are willing to take part at the opening meeting, after the dinner at the opening session, at 7 p. m., on the 3d Wednesday, it is proposed to continue the Congress the next day, so as to make the discussion full and complete.

It is proposed not to limit the titles of papers to those stated

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questions, in case an author desires to submit his views upon any other germane subject that he prefers.

The great interest in this subject, on both sides of the Atlantic, which also has been given great prominence in the Paris Congress of 1900, will make the movement of great interest, not only for the profession, but also the general public. Members and others who are willing to take part are requested to immediately write to either member of the committee, upon which of these questions they will submit their views prior to the first of February next, if possible, so that the same may be printed and submitted to the others who are to take part, in advance of the meeting, as is the custom in foreign countries.

The following committee has been named by the Medico-Legal Society, to act as a Committee of Arrangements for this Congress, with full power, and the profession is desired to co-operate by contributing papers and to taking part in the discussion, and to advise either member of the committee as early as possible.

THOMAS BASSETT KEYES, M. D.,
98 State St., Chicago, Ill.
J. MOUNT BLEYER, M. D.,
460 Madison Ave., N. Y.
CLARK BELL, Esq.,
39 Broadway, N. Y.

COMPENSATION OF PHYSICIANS.

The recent case of Robinson v. Chambers, pending in the Supreme Court of Tompkins County in this State, involved important medico-legal questions of great public interest. While we should not feel quite at liberty to comment upon the merits of the action, pending the trial, for the reason that it might in some way prejudice the case or the rights of parties to that action, we consider that the settlement of the case removes that objection, and makes the questions at issue in that contest, of interest to lawyers as well as physicians.

The following letter from O. M. Congden, of the Tomp-

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kins County Bar and the joint views of legal and medical gen-men engaged, may be of interest to our readers.—

Ithaca, N. Y., December 16, 1899.

Clark Bell, Esq., Editor Medico-Legal Journal:

Dear Sir:—Acting upon the suggestion of Dr. Paul R. Brown, of this city, Dr. Besemer and I have prepared the enclosed article, trusting that it will be of sufficient interest to your readers to warrant its publication.

The question involved is a new one, in this State especially, and we would be pleased if you could find sufficient merit in the suggestion offered, to give them a place in your columns.

Assuring you that no other reward is desired, and awaiting your pleasure, I am Very respectfully yours,

O. M. CONGDON.

Ithaca, N. Y., December 16, 1899.

To the Editor of the Medico-Legal Journal:

The settlement out of court of the case of Robinson vs. Chambers, noticed for trial at this term of Tompkins County Supreme Court, removes from the arena of judicial consideration one of the most intersting as well as most important cases which have arisen in some time, both to the members of the medical and legal fraternities.

Briefly stated the facts are these: The plaintiff, a practicing physician in the country town of McLean, was called upon to attend the defendant, a wealthy land owner and business man of the vicinity, who was in a very critical condition. The plaintiff attended him faithfully and effected a permanent cure of the illness from which he was suffering, by the use of surgery, as well as medicine, and succeeded in saving his life. The parties, being unable to agree upon the value of the services, the plaintiff brought suit for $10,000. It was contended by the defense that such a sum was unreasonable and excessive, and that the services rendered were not worth the above mentioned sum; and it was upon this point that legal and medical practitioners all over the State arrayed themselves upon the respective sides of the controversy, and the writers of this article, in the course of several conversations over the matter, decided to submit to the readers of the Journal, what seemed to them a just and reasonable theory of the situation.

This theory may be summed up briefly in the following statements:

First, A physician is held to the strictest degree of accountability for his conduct toward his patients. N. Y. Penal Code, Section 200, p. 59.

Second, For wilful negligence or gross carelessness he may be held to respond in damages for his negligence or misconduct resulting in death or permanent injury. Am. & Eng. Enc. of Law, Vol. XIV, p. 84.

Third, The rule of exemplary damages recoverable for death by wrongful act applies to such cases. Am. & Eng. Enc. of Law (2nd Ed.) Vol. XII, (and note I for N. Y. Cases.)

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Fourth, The rule of exemplary damages in an action to recover for death by wrongful act allows the court or jury to take into consideration.

(a.) The natural expectancy of life of the deceased.

(b.) His financial standing and ability of amassing wealth which would ultimately acrue to his heirs or beneficiaries.

(c.) The value of his services as the responsible head of the family and the natural protector and educator of his children. Am. & Eng. Enc. of Law, (2nd Ed.) Vol. VIII, p. 944.

If, then, these elements would form a basis for estimating the value of the life of the decedent cut short by the wrongful act of the physician, it would seem that they would be the just and proper measures of the value of that life when saved by the physician, in the absence of an express contract for a stipulated amount.

But we do not need to stretch our theory so far, for it may be taken, we think, that the same rule which applies to an attorney seeking to recover compensation for professional services, may justly be applied to a physician.

Upon this theory then, we have definite and recent decisions supporting our contention.

First, It has been held that a physician had a right to show the nature of the disease for which he had treated the patient "as such knowledge was essential to estimate the full value of his services." But the courts go still farther, and in the case of Ward vs. Kohn, 58 Fed., which was an action by an attorney who had actually saved to his client a sum of over $50,000, the court said "When, on the other hand, a client who has the means to pay, employs an attorney, it is right and just that he should pay a fair and reasonable compensation for the services he obtains," and in the same decision the court says that "such amount should be proportionate to the amount involved." But the court goes still farther in the case of I. & G. N. Railway Co. vs. Clark & Dyer, 81 Texas, 48, in which it is held that "in ascertaining the reasonable value of the services you will consider the nature of the litigation,—the amount involved, and the interests at stake * * * * * * and the benefit, if any, derived by defendant from the litigation."

But it has been urged further that because the plaintiff in the case, under discussion, was a practicing physician in a country town, whose yearly income was probably far less than the amount sued for in this one action, he should not be entitled to recover. In answer to this we offer the following quotation from a case in the Supreme Court of Indiana: "in an action for services by a physician, it is wholly immaterial in determining the value of such services what is or has been his average daily income from his profession * * * * * * Evidence as to what price other physicians can be procured for is incompetent."

In view of the above rules, and in the absence of any decision upon this point in this State, we are forced to conclude that in the absence of an express contract, the physician who saves a patient's life when that life would have been lost but for the prompt and

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efficacious action of the physician, should be entitled to recover if compelled to resort to the courts for recompense, such a sum as is proportionate with the value of that life in view of the facts and circumstances above referred to. Respectfully submitted,

H. B. BESSEMER, M. D.
O. M. CONGDON, Atty.

[NOTE BY THE EDITOR:—Mr. O. M. Congdon, in citing cases, as he does on his second and third points, should cite his cases, instead of citing Am. & Eng. Enc. of Law, as he does.

That work is not authority, as many lawyers have found. It is edited by various writers, some exceedingly good, some indifferently bad, and some especially so.

Cases cited in that work are authority, and should be cited by title and where reported. Much of the editing of the work is so carelessly done as to justify the assertion that the work itself can not be relied upon as an authority on legal questions, or in its reviews of decisions.]

THE WOMAN'S COMMITTEE AND LADY RANDOLPH CHURCHILL ON THE CASE OF MRS. MAYBRICK.

The Woman's Committee of the Medico-Legal Society addressed a letter to Lady Randolph Churchill on November 6 last, which appears in another column of our present issue.

Lady Randolph Churchill's reply, which was delayed in transmission, was as follows:

"35a Gt. Cumberland Place, W., Dec. 19, 1899.

Mrs. Caroline J. Taylor, Chairman Woman's Committee of the Psychological Section Medico-Legal Society.

Dear Madam:—I regret very much that I have not had time to answer your letter dated November 6th, as I sympathize with the object you have in view. I have had a long talk with Mr. Choate in the matter and I shall,do all that can be done for you.

At the same time I think I must add that the only rational way to set to work is to base the petition for Mrs. Maybrick's release, not upon the plea that she is innocent, but upon the ground that even if she is guilty, she has already suffered a sufficiently severe punishment.

I say this because I am certain that this is the true policy of those who are working for her release.

Yours faithfully,
LILLIAN RANDOLPH CHURCHILL."

Lady Randolph's reply shows her deep sympathy with the efforts being made for the release of Mrs. Maybrick.

Her advice is based on her knowledge of the English system and English officials. It is wise and good advice. It is

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not necessary to concede the guilt of Mrs. Maybrick to follow it.

When President McKinley, whose belief in the innocence of Mrs. Maybrick is well known, asked her release of the English Government as an act of International comity, he placed it on this same ground, and quite independent of the question of her innocence or guilt.

It is no breach of confidence, to say that in the Memorial address to the Home Secretary for England, by the Maybrick Memorial Committee, great stress is laid upon the idea and position that Lady Randolph Churchill suggests. In the letter of the Committee of American Women, to her, the same position is stated in very strong language, as follows:

We ask you to seize the present occasion to urge upon the Home Secretary for England, the release of this American lady, who, less fortunate than yourself in her marriage with an Englishman, has since his death stoutly claimed her American citizenship, as she has the legal right to do, under the English law, and which she never surrenderd under the American law; who is now suffering a terrible, cruel and long continued imprisonment, longer than any woman has endured under the English law, as we believe, and longer than any English woman of a similar social position would have suffered, if believed by the English authorities to be guilty; who, reared as a lady, and the daughter of one of our best families in America, in her feeble and delicate health, has maintained and preserved the rank of a Star Prisoner by her good behavior.

It entitles Lady Randolph Churchill to the thanks and gratitude of American women that she expresses such sympathy as her letter contains for the freedom of an American lady, now an American citizen, and of her co-operation with the American Ambassador, Mr. Choate, in his splendid efforts.

Lady Churchill can best aid the movement by direct appeals to Sir Matthew White Ridley, in whose hands, under the English system, the freedom of Mrs. Maybrick lies. Even the Queen of England, is said by Lord Salisbury, to be powerless to pardon in such a case, except upon his recommendation. We have reason to believe that the facts of this case are withheld from the Queen. That the under-officials of the home office, in this case, exercise an influence upon the

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Home Secretary adverse to her release, wholly in violation of English usages and customs, because, as Lord Salisbury has explained to Mr. Blaine, the Secretary of State, that even a member of the English Government would not have the right, unsolicited by the Home Secretary, to influence that official.

It is a singular spectacle, that the obscure under-officials of that department of Her Majesty's government, whose names even are almost unknown out of England, exercise an influence upon the Home Secretary of England hostile to her release greater than the Prime Minister of England, the Lord Chief Justice, or any member of the British Government.

We have reason to believe that Mr. Choate has not in any wise abandoned his efforts in this case. No answer has, as yet, been received to the memorial submitted by the Memorial Committee through the American Government to the home Secretary, either by the Committee or the American Government.

We believe that good results will follow Lady Randolph Churchill's promised intercession.

CONGRESS OF TUBERCULOSIS.

The Committee of Arrangements of the Congress of Tuberculosis to be held under the auspices of the Medico-Legal Society of New York on the third Wednesday of February, at the Hotel St. Andrews, 72nd and Broadway, announce that:

1. The enrolling fee for the Congress is $3.00, which entitles the member to the published transactions of the Congress, free, and that applications for membership and the enrolling fee can be made or sent to any member of the Committee of Arrangements.

2. That members of either profession or laymen can enroll as members of the Congress, whether they contribute papers to the Congress or take part in the discussions.

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3. That it is proposed to publish a Bulletin of the Congress, provided sufficient contributions are made to defray the expenses of its publication.

4 That a preliminary programme will be announced as early as it is possible to do so of the papers already contributed or promised, and the names of such persons as have signified their wish to take part in the Congress, and that this will be furnished the medical press as early as possible and in time for the February journals, if same can be furnished by that time, which will be subject to modification.

THOS. BASSETT KEYES, M. D.,
92 State St., Chicago, Ill.
J. MOUNT BLEYER,
460 Lexington Ave., N. Y.
CLARK BELL,
39 Broadway, N. Y.

CRIMINAL APPEARANCE.

To the Editor of The Medico-Legal Journal:

Sir:—In Dr. Clark Bell's article on this subject he states that he knows nothing of Mrs. Osborne. She was convicted of stealing jewels and subsequently committing perjury in relation to them. They were stolen from a first cousin. The former owner of the jewels was equally related to the prisoner and to the lady from whom they were stolen. Mrs. Osborne suffered from epileptic hysteria and was probably not responsible for her actions, but after her husband had conveyed her to a place of safety she insisted on coming back, surrendering herself and pleading guilty Her health necessitated her release long before the expiration of the sentence, for which the judge was blamed by the majority of the public.

I only once saw a murderer in the dock. He was a good-looking young man, with no appearance of the criminal about him, but he had drank himself out of his senses when he murdered his wife.

Truly yours,
W. H. S. MONCK.

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THE FEBRUARY CONGRESS OF TUBERCULOSIS AND ITS MODERN TREATMENT.

The interest in this Congress, February 21 and 22, 1900, at New York City, has greatly exceeded the expectations of the movers.

The subject is one in which all the world has now a profound interest.

A body of influential Englishmen, under the chairmanship of the Prince of Wales, has recently organized in England for "The Limitation and Eradication of Tuberculosis."

King Oscar, of Sweden, has headed in a princely way, the founding of a hospital devoted exclusively to Tuberculosis.

The late International Congress, at Berlin, has demonstrated the firm hold this subject now has, not only alone upon the medical men of the world, but upon the lay mind as well.

The preliminary announcement published elsewhere in our columns was sent to the leading specialists of the country.

Among the large number of responses we find room for one or two only.

Supervising Surgeon General Walter Wyman, of the Marine Hospital Service, writes as follows:

Washington, D. C., December 21, 1899.

Hon. Clark Bell, Secretary Medico-Legal Society, 39 Broadway, New York, N. Y.:

Dear Sir:—Your letter of December 8th has been delayed in reply because of the necessity of considering the possibility of my personally attending the meeting of the Medico-Legal Society in February next. I feel confident that the duties of my office about that time will be such as to make it impossible for me to leave Washington, yet the subjects mentioned in your program are of such great interest and so closely connected with the work of this Bureau that I desire to be represented. I should like very much to have the privilege of detailing Passed Assistant Surgeon Rosenau, Marine Hospital Service, Director of the Hygienic Labratory, to attend this meeting in my place. He will be able to give some account of the Sanitarium for Tuberculosis Patients of the Marine Hospital Ser-

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vice at Fort Stanton, New Mexico, which has been recently established and is now in operation, where this service has a reservation of sixteen square miles. Aside from this I should be glad to have Dr. Rosenau present at this meeting to receive the inspiration and details of information, which he undoubtedly can acquire by being present.

Respectfully,

WALTER WYMAN,
Surgeon General M. H. S.

Charles Denison, M. D., of Denver, Colorado, a high authority, to whom the invitation was sent, writes as follows:

Denver, Colorado, December 15th, 1899.

Clark Bell, Esq., 39 Broadway, New York, N. Y.:

Dear Sir:—Sitting down to consider the 5th subject you sent me for discussion I find it is difficult for me to determine what particular line of argument the author had in view. I wish to take the negative of the proposition and it is just that I should know the specific points to be made. Kindly send me a synopsis of the argument to be discussed.

As to the 4th proposition I wish to take the affirmative side and will base my remarks upon my argument for an ideal climate used in my report to 9th International Medical Congress, held in Washington, September, '87, on the "Preferable Climate for Consumption," which though much discussed has never been refuted. This I have summarized and brought up to date in a late paper published in the Journal A. M. A. May 7 and 14th, '98, on the Climate of Colorado for Respiratory Diseases of which I will have reprints made at once and a package of them sent to you for your secretary's distribution.

The 2nd and 3rd subjects are very important and I should much like to hear their discussion. For the sake of argument I would like to deny the position, (claimed to be believed in by the mass of Medical Men) at present held by the Bacillus of Tubercle as the cause of Tuberculosis, and to ask, would we not reach desirable prevention sooner to consider it a result rather than the cause?

Yours Very Truly,

CHARLES DENISON.

The programme will be announced later.

The invitation has been intended to be given to all those who made a specialty of the question. It is contemplated to have an enrolling fee and to make provision for the publication of the contributed papers in a volume that would form a bulletin of the Congress. Authors of papers are requested to forward copies of the same by the first day of February, to enable the Committee of Arrangements to properly classify the subjects and arrange the final programme.

The session will be opened at the St. Andrew's Hotel, at

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dinner, on the 21st day of February, 1900, at 7 o'clock p. m., at the regular meeting of the Medico-Legal Society on that day. The price of seats will be $1.00 each, exclusive of wine, and seats will be reserved for the dinner in the order in which the applications are received. The formal work of the Congress will be opened at 9 o'clock p. m., and those unable to attend the dinner will assemble promptly at that hour. The preliminary officers of the Congress will be then announced by the committee and the opening ceremonies of the Congress completed.

All those desiring to unite with the Congress will send their name and address to either member of the Committee of Arrangements, to whom information will be given on application.

The delay in our issue of this number enables us to furnish the Preliminary Programme and Announcement:

Congress of Tuberculosis.

Members of the Congress who wish to participate in the opening Dinner, which will be given at 7 o'clock p. m., under the direction of the Committee of Arrangements, at the Hotel St. Andrews, 72d Street and Broadway, New York City, will please notify some member of the Committee the number of seats they require, the price of which will be $1.00 per plate, exclusive of wine.

The Congress will be organized at 9 o'clock p. m., and members or delegates who do not desire to unite in the dinner, will assemble promptly at that hour.

The following preliminary programme is announced, which is subject to modification, and the final programme will be prepared for the day of the opening of the Congress:

FIRST DAY.

7 P. M.—The opening Dinner at the Hotel St. Andrews.

9 P. M.—The organization of the Congress, under the temporary officers announced by the Committee of arrangements.

***a.* Addresses of welcome to the members and delegates, by prominent public officials and the President of the Medico-Legal Society.**

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b. Response by the officers of the Congress of Tuberculosis in behalf of the Congress.

c. The enrolling of members of the Congress.

d. Appointment of Committees of the Congress.

e. The following subjects for discussion will be submitted to the Congress:

1. *Special Hospitals and Sanitariums; their Construction and Operation.* To be opened by Dr. J. Mount Bleyer, M. D., of New York, and discussed by Dr. S. A. Knopf, of New York; Dr. G. W. Van Vleck, M D., Jackson, Mich.; Dr. E. Mather, Birmingham, Mich.; Dr. Carl von Ruck, Asheville, N. C.; Dr. Charles Dennison, Denver, Colo.

SECOND DAY, 10 A. M.

Report of Committee on Permanent Organization. Election of permanent officers.

2. *What are the Most Successful Methods of Treatment?* Discussion opened by Prof. Thos. Bassett Keyes, M. D., Chicago, and discussed by Dr. J. Mount Bleyer, New York; Prof. Theo. R. E. Klebs, M. D., Chicago; Dr. Judson Deland, Philadelphia; Dr. G. A. Evans, Brooklyn; Dr. John Blake White, New York; Dr. Wm. S. Gottheil, New York; Dr. Homer M. Thomas, Chicago; Charles E. Quimby, M. D., New York; Egbert Le Fevre, New York; Thos. Marshall Field, Chicago, and others.

3. *Individualization of Certain Forms of Tuberculosis; its Importance and Necessity.* Discussion opened by Dr. Judson Deland, of Philadelphia, and discussion by Charles E. Quimby, M. D., New York; Dr. J. Mount Bleyer, New York, and others.

4. *Is Change of Climate a Necessity for Treatment?* Discussion opened by Dr. Carl von Ruck, of Asheville, N. C., and discussion by Dr. S. A. Knopf, New York; Dr. G. A. Evans, Brooklyn, N. Y.; Dr. John Blake White, New York; Dr. John S. Robinson, Chicago; Dr. Wm. S. Gottheil, New York; Dr. Charles Dennison, Denver; Dr. Judson Deland, Philadelphia; Dr. W. L. Dunn, Asheville, N. C.

SECOND DAY, 2 P. M.

Continuation of original questions submitted.

5. *Should the Use of Anti-toxines in Tuberculosis be Condemned, from a purely Scientific Point of View?* Discussion opened by Dr. Carl von Ruck, of Asheville, N. C., and conducted by Dr. Charles Dennison, Denver; Dr. W. L. Dunn, Asheville, N. C., and others.

ADDITIONAL SUBJECTS FOR DISCUSSION.

The following additional papers are announced:

6. *Contagiousness of Tuberculosis.* By E. L. Shurley, of Detroit, Mich.

7. *Registration of Tuberculosis.* By Lawrence P. Frick, M. D., of Philadelphia.

8. *A Denial of the Position* (claimed to be believed in by the mass of medical men) *as at present held, that the Baccillus of Tubercle is the Cause of Tuberculosis; and to ask, Would we not Reach desirable Pre-*

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vention sooner to Consider it a Result rather than the Cause? By Chas. Dennison, M. D., of Denver, Colorado.

9. *A Study as to the Cause of Tuberculosis; an Important Factor as to its Treatment.* By Prof. Thomas Bassett Keyes, M. D., of Chicago.

Dr. Charles Dennison, of Denver, suggests as a theme for discussion:

10. *What are the Histological and Biological Changes essential for Tubercular Infection?* and the Committee invite discussion upon it.

The enrolling fee of the Congress is $3, which should accompany the application for membership, and entitles the member to the published transactions and to the Bulletin of the Congress.

The Committee of Arrangements have concluded arrangements with the Medico-Legal Journal to publish a Bulletin of the Transactions of the Congress.

To defray the expenses of this publication, over and above the enrolling fees, it has provided for speedy publication of the papers read, and the discussions, by which authors of papers can have their contributions printed in the Bulletin at a cost of $1 00 per page small pica, and $1.50 per page small type, Journal page size, and each author entitled to 50 copies, as a reprint, free of charge, with privilege of extra reprints at cost of press-work and paper, if ordered in advance.

The opening papers of the discussion will be forwarded in advance of the session, to enrolled members, so far as possible, to provide for care in the preparation of the discussion.

Members are requested to submit the copy of their papers at once, to enable the same to be put speedily in type before the session, if possible, and to enable the publication of the Bulletin as early as possible.

The roll of the Congress will be kept open for the enrollment of members to the close of the session, and is free to all members of either profession, and to lay members, who are requested to forward their names as soon as possible.

Papers on additional themes than those named in this announcement, are invited, of which the title should be forwarded as soon as possible to the Committee of arrangements, to enable

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proper classification to be made for the final programme, and the MSS. of the article should be forwarded to the Committee at the earliest moment.

The following persons have enrolled and promised to contribute papers, the titles to which have not been announced to the Committee of Arrangements :

Surgeon General Walter Wyman, Marine Hospital Service U. S. N. Washington, D. C.; Egbert Le Fevre, M. D., of New York; Arthur R. Reynolds, M. D., Health Com., Chicago, Ill.; Dr. Edward F. Wells, of Chicago, Ill.; Prof. W. H. Sudduth, of Chicago, Ill.; Benj. F. Lyle, M. D., Cincinnati, Ohio.; Hubbard W. Mitchell, M. D., of New York; Charles E. Quimby, M. D., of New York; A. E. Osborne, M. D., Supt., Glen Ellen, Cal.; Elmer Densmore, M. D., of Brooklyn; Dr. A. N. Bell, Editor Sanitarian, Brooklyn, N. Y.; Dr. H. Longstreet Taylor, of St. Paul, Minn.; R. A. Goethe, M. D., Boerne, Texas; M. J. Brooks, M. D., Supt., &c., Stamford, Conn.; Wm. A. Dickey, M. D., Toledo, Ohio, Harry F. Waite, M. D., of New York; John Elsner, M. D., of Denver.

It is the desire of the Committee to invite all those who are interested in the work of this Congress, to participate in its labors, and to forward their names and title of their contributions as early as possible.

THOS. BASSETT KEYES, M. D.,
92 State Street, Chicago, Ills.
J. MOUNT BLEYER, M. D.,
460 Lexington Avenue, New York City.
CLARK BELL, Esq. LL. D.,
39 Broadway, New York City.

New York City, January 30, 1900.

THE TROPICS AND WHITE MEN.

Benjamin Kidd, in Social Evolution, has decided absolutely and arbitrarily, that acclimatization is barred to the white man in the tropics. He bases an argument on the fact, that a long process of evolution has made the dividing line an insurmountable one for the white race. That the tropics are sure death to the white man as a habitation, and he is sufficiently dogmatic to state "there can hardly be room for any important difference of opinion on this subject."

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There is a possibility that Mr. Kidd may have to go over his figures again.

It is an interesting question to Americans now, and all of our sources of information run against Mr. Kidd's decree of banishment. The Boers in South Africa are rather a sturdy, robust and thriving, not to say reproducing race.

The Spaniard has certainly thrived in Cuba, and his mortality is less than in Spain, and the birth rate greater.

The experiments made by the Portuguese in Guiana and Brazil have been very successful, and against Mr. Kidd's theory.

Indeed the Spaniard has furnished the basis of all the white population in the tropical countries of South America and in Mexico, since the end of the 15th century, and this race alone would, in its experience in the southern tropics of the Western Hemisphere, be enough to put Mr. Kidd out of court.

The Spanish experiment in Mexico may be characterized in a similar way.

The experiments made by the Italian emigrants in Florida and on the Gulf of Mexico point in the same direction.

Statistics show that the death rate of European soldiers in Trinidad and Barbadoes is actually less than the same soldiers at home.

We shall have means of forming opinions as to the mortality of our own soldiers in the tropics, in our dependenencies, in both oceans, and the campaign in Cuba, conducted under the most apparently unfavorable conditions, showed a loss of life much below any prior expert estimate, made upon the subject. The probability seems to be that Mr. Kidd is entirely mistaken in the conclusions which he has reached, and that the revolutions of the close of the 19th century will upset his ideas of evolution and allow white emigration from all the world to Cuba, Puerto Rico and the Philippines.

SUPREME COURT OF PENNSYLVANIA.

Chief Justice Sterrett, of the Supreme Court of Pennsyl-

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vania, retired from the bench after a long and honorable service on January 1, 1900.

Judge Henry Green, who was the Senior Judge on the bench, becomes Chief Justice in the place of the late Chief Justice Sterrett.

Two new judges qualified and took their oaths on the Supreme Bench on January 1, 1900. J. Hay Brown, who was appointed to fill the vacancy caused by the death of Mr. Justice Williams, and S. L. Mestrezat, who was appointed to fill the vacancy caused by the retirement of Chief Justice Sterrett. The Bar of Philadelphia presented a portrait of the retiring Chief Justice on the 6th of January, 1900, to the court in full session.

Mr. David W. Sellers, on behalf of the Committee of the Philadelphia Bar, said:

May it please the Court: I have been requested by the Bar of Philadelphia to perform the pleasant function of presenting to the Supreme Court this portrait of the late Chief Justice Sterrett.

The even temper, sound judgment and accurate law learning, which has been manifested by him during his long term of twenty-one years, has endeared him to this Bar, and it desires to preserve his effigy in perpetual memory—where he has administered the justice of the law as well between citizens as between the State and its people.

The first Chief Justice who has served the full term under the present constitution, and who has presided over your Court longer than any other since the Amendment of 1850, he presents a model for all of his successors, and I express on behalf of the donors a hearty wish that he may enjoy his rest with dignity, and long live to continue his usefulness as an illustrious citizen.

Chief Justice Green, on behalf of the Court, said:

The members of the Court are much gratified by the kindly and generous act of the gentlemen who have presented us with the excellent portrait of our late honored and beloved Chief Justice. It is received with sincere thanks and will be so placed as to be constantly seen by all who visit this room. It will be an ever present reminder not only of the eminent legal qualities which distinguished his judicial career for so many years, but also of the gentle and amiable traits which characterized his administration of the office of Chief Justice. As a work of art, the portrait seems to be of perfect execution and reflects great credit upon the artist who has produced it. Again, we thank you for this very appropriate and timely gift.

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PARIS INTERNATIONAL MEDICAL CONGRESS.

13TH INTERNATIONAL CONGRESS, AUGUST 2–9, 1900.

OFFICERS:—President, Dr. Launelougue, Rue Francois 1st 3, Paris; Secretary, Dr. Chauffard, Rue Saint Guilliame 21, Paris; Treasurer, Dr. Duflocq, Rue Miromesnil 64, Paris.

EXECUTIVE COMMITTEE:—President, Dr. Launelougue; Secretary, Dr Chauffard; Treasurer, Dr. Duflocq.

MEMBERS:—Doctors Bouchard, Bouilly, Brouardel, Dieu, Garret, LeDentu, Mallassez, Nocard, Raymon, Rendu and Roux.

SECRETARIES:—Doctors DeMassary and Leon Weber, Office of the Congress Rue del Ecele de Medicine 21.

ORGANIZING COMMITTEE:—President. Prof. Brouardel; Vice Presidents, Doctors Bouchard and Marey; Secretary, Doctor Chauffard; Treasurer, Doctor Duflocq; Secretaries, Doctors DeMassary and Leon Weber, and a committee of 131 members, from all parts of France.

The Congress will be divided into five sections:

BIOLOGICAL SCIENCES:—1. Descriptive and comparative Anatomy. 2 Histology; Embryology and Teratology. 3. Physiology; biological Physics and Chemistry.

MEDICAL SCIENCES.—1. General Pathology and experimental Pathology. 2. Bacteriology; Parasitology. 3. Pathological Anatomy. 4. Internal Pathology. 5. Hygiene and medical Pathology of infancy. 6. Therapeutics and Pharmacology. 7. Neuropathology. 8. Psychiatry. 9. Dermatology and Syphilography.

SURGICAL SCIENCES.—1. General Surgery. 2. Surgery of infancy. 3. Urinary Surgery. 4. Ophthalmology. 5. Larnygology; Rhinology. 6. Otology. 7. Stomatology.

OBSTETRICS AND GYNOECOLOGY.—1. Obstetrics. 2. Gynaecology.

PUBLIC MEDICINE.—1. Legal medicine. 2. Military medicine and Surgery; Naval medicine; Colonial medicine.

The Foreign National Committees are as follows:

GERMANY.—President, Prof. Virchow, Berlin; Secretary, Prof. Posner, Berlin.

ARGENTINA REPUBLIC.—President, Prof. Euf. Uballes, Buenos Ayres; Secretary-General, Prof. Greg. Araoz Alfaro, Buenos Ayres.

AUSTRO-HUNGARY.—Austrian Committee.—President, Prof. Edouard Albert, Vienna; Secretary, Prof. A. Mosetig, Rit. von Moorhof, Vienna. Bohemian Committee.—President, Iaroslav Hlava,

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Prague; Secretary, Privat docent Pesina, Prague. Hungarian Committee.—President, Prof. Otto Pertik, Budapest; Secretaries, Prof. Alex. de Koranyi, Gust. d'Olan, Louis Nekam, Louis Tokor. Polish Committee.—President, Prof. Ed. Korczynski, Cracow; Secretary, Dr. Aug. Kwasnicki.

BELGIUM.—President, Dr. Vleminckx, Brussels; Secretary, Dr. Lorthioir, Brussels.

(1) The order observed in the following list of countries is the same as in the French list, which latter is alphabetical.

BRAZIL.—Prof. Moncorvo, Rio de Janeiro.

BULGARIA.—President, Dr. L. Zolotovitch, Sophia.

DENMARK.—President, Prof. Bloch, Copenhagen.

SPAIN.—President, Prof. Julian Calleja, Madrid; Secretaries, Prof. Abdos Sanchez Herrero; Dr. Antonio Espina y Capo, Madrid.

UNITED STATES.—President, Prof. Osler, Baltimore; Secretary, Dr. Henry Barton Jacobs, 3 W. Franklin St., Baltimore, Md.

GREAT-BRITAIN AND IRELAND.—President, Sir William Mac Cormac, London; Hon. Secretaries, Dr. A. E. Garrod, Medical registrar at St. Bartholomew's Hospital (London); Keser, Physician to the French Hospital (London); D'Arcy Power M. D., Assistant Surgeon to St. Bartholomew's Hospital.

CANADA.—President, Dr. Beausoleil, Montreal.

AUSTRALIA.—President, Dr. Crivelli, Melbourne.

GREECE.—President, Prof. G. Caramitsaz, Athens; Secretary, Prof. Catsaras, Athens.

ITALY.—President, Prof. Golgi, Pavia; Secretary, Prof. Monti, Pavia.

JAPAN.—President, Prof. Kitasato, Tokio.

LUXEMBURG.—President, Paul Kogh, Luxemburg; Secretary, Dr. Praum, Luxemburg.

MEXICO.—President, Prof. Lopez, Mexico.

HOLLAND.—President, Prof. Stokvis, Amsterdam; Secretary, Dr. Straub, Amsterdam.

PERU.—President, Prof. Florez, Lima.

PORTUGAL.—President, Prof. Luiz da Camara Pestana, Lisbon; Secretary, Drs. Thomaz de Mello Breyner and Henri Mouton, Lisbon.

ROUMANIA.—President, Prof. Kalindero, Bukarest; Secretary, Prof. Marinesco, Bukarest.

RUSSIA.—President, Prof. Paghoutine, St. Petersburg; Secretary, Docent Dr. Likhatchef, St. Petersburg.

SERVIA.—President, Prof. Soubbotitch, Belgrade.

SWEDEN AND NORWAY.—President, G. Retzius, Stockholm, Sweden. President, Prof. Axel Holst, Christiania, Norway.

SWITZERLAND.—Secretary, Prof. Aug. Reverdin, Geneva.

TURKEY.—President, Dr. Zambaco Pasha, Constantinople.

EGYPT.—President, Dr. Mahmoud Pasha Harsan; Secretary, Dr. Oed.

The Sections which most interest the Students of Forensic Medicine are:

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SUB-DIVISION G OF CLASS 2—SECTION OF NEUROLOGY:—Its officers are:

CLASS 2—G. SECTION OF NEUROLOGY.

President, Raymond; Vice Presidents, Brissaud, Dejerine, Grasset, Montpellier; Pitres, Bordeaux; Secretary, P. Marie, 3, rue Cambaceres, Paris; Members, Andre, Toulouse; D'Astros, Marseilles; Babinski, G. Ballet; Bernheim, Nancy; Binet, Bourneville, Jean Charcot, Ch. Fere, Giles de la Tourette, A. Gombault; Haushalter, Nancy; Hayem, Klippel, Launois; Mirallie, Nantes; Parisot, Nancy, Pierret, Lyons; Rauzier, Montpellier; Paul Richer.

1. On the centres of projection and of association in the human brain.—By Flechsig (Leipzig), Hitzig (Halle), von Monakow (Zurich).

2. On the nature and canalisation of tendinous reflexes.—By Jendrassik (Budapest), C. S. Sherrington (Liverpool).

3. Nature and treatment of acute myelitis.—By von Leyden (Berlin), Marinesco (Bukarest), Crocq (Bruxelles).

4. Diagosis of organic hemipelgia with hysteria hemiplegia.—By Roth (Moscow), Ferrier (London).

5. On non-tabetic lesions of the posterior branches of the medulla —By Bruce (Edinburg). —— Homen (Helsingfors).

6. On varicus points in the study of aphasia.—By Tamburini (Reggio), Pick (Prague).

CLASS 2 SUB-DIVISION H. SECTION OF PSYCHIATRY:—President, Magnan; Vice Presidents, Joffroy, Gilbert Ballet; Pierret, Lyons; and Culerre, Larochesur-Yon; Secretary, Ant. Ritti, Asile de Charenton, Seine, France; Members, Bouchereau, Bourneville; Albert Carrier, Lyons; Christian, Charenton; Doutrebente, Blois; Jules Falbert, Ch. Fere; Febvre, Ville-Evrard; P. Garnier, Giraud, Saint-Yon; Mairet, Montpellier; Meuriot, Motet; Parant, Toulouse; Regis, Bordeaux; Seglas; Taguet, Vaucluse; Vallon, Jules Voisin.

1. Mental Pathology.—Psychoses of puberty.—By Ziehen (Jena); Marro (Turin); J. Voisin (Paris).

2. Pathological Anatomy.—Pathological anatomy of idiocy.—By G. E. Shuttleworth and Fletcher Beach (London); Mierzejewski (St. Petersburg); Bourneville (Paris).

3. Therapeutics.—On the confinement to bed in the treatment of acute forms of insanity and on the modifications that it might entail in the establishment of houses for the insane.—By Clemens Neisser (Leubus); Korsakof (Moscow); Morel (Mons).

4. Legal Medicine.—Sexual perversion with obsession and the impulses from the medico-legal point of view.—By von Krafft-Ebing (Vienna); Morselli (Genoa); Paul Garnier (Paris).

A. SECTION OF LEGAL MEDICINE.

President, Brouardel; Vice Presidents, Beoit, E. Demange, Lacassagne, Lyons; Secretary General, Motet, rue de Charonne, 161, Paris; Assistant Secretary, Thoinot; Members, Bordas, Budin; Castiaux, Lille; Danet; Demange, Nancy; Descoust; Guilhem, Toulouse;

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Laugier, Lefuel, Morache, Bordeaux; Ogier, Pouchet; Rochet, Sarda, Montpellier; Socquet, Vibert.

1. Putrefaction in its relation to docimasia pulmonum.—By Descoust and Bordas (Paris).

2. Ocular putrefaction as a means of determining the time of death.—By Descoust (Paris).

3. On the burning bodies with criminal intention.—By Ogier (Paris).

4. Accidental death by electricity.—By D'Arsonval and Bordas (Paris).

5. Medico-legal tests, and their importance in view of the accidents that may happen from the habitual use of foods and drinks whose preservation is ensured through chemical agents (Borax, salycilic acid, formol, etc.).—By Brouardel and Pouchet (Paris).

6. Valvular lesions due to contusion of the parietes of the chest. —By Castiaux (Lille), Laugier (Paris).

7. Action of the new smokeless powders on the clothes and on the skin.—By Thoinot, Vielle (Paris).

8. The illegal practice of magnetism by unqualified persons.—By Gilles de la Tourette, Rocher (Paris).

B. SECTION OF MILITARY SURGERY AND MEDICINE.

President, Dujardin-Beaumetz; Vice President, Cuneo; Secretary General, Catteau, Minister de la Guerre, Paris; Assistant Secretaries, Dziewonski and Alvernhe.

a. SUBECTION OF SURGERY.—President, M. Chauvel, boulevard Latour-Maubourg, 51 bis, Paris.

1. On the lesions produced by bullets of small calibre (of 6 millim. or under).—By Habart (Austria), Lagarde (United States).

2. On the lesions produced by projectiles in present use in artillery.—By Demosthene (Roumania), Geissler (Germany).

On the rule for the immediate treatment of fractures produced by gun-shot at the ambulance or at the field hospital.—By Bischer (Switzerland).

4. The sub-section desires that those doctors who have taken part in the Colonial expeditionary wars of the last ten years should describe, from the experience of their practice, what was the treatment of the wounded, and to draw some general conclusions.

b. SUB-SECTION OF EPIDEMIOLOGY AND HYGIENE.—President, M. Kelsch, Ecole d'application du Val-de-Grace, Paris.

1. Etiology and prophylaxis of typhoid fever in the army on field service.—By Vincent (Paris).

2. Etiology and prophylaxis of dysentry in the army on field service.—By Antony (Paris) and Simonin (Paris).

3. Prophylaxis of syphilis in the army.—By Ferrier (Paris).

4. On extempore means of purifying the water.—By Lapasset (Paris).

c. SUB-SECTION OF NAVAL MEDICINE:—President, Cuneo; Secretary, Laugier, Ministere de la Marine, Paris.

1. On tropical phagedenism.—By Le Dantec (Bordeaux).

2. Care of the wounded to be given on board ship during and

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after action; Transport of the wounded. Means of transport. First dressing. Emergency cases.—By Fontan.

3. Hospital ships in colonial expeditions.—By Burot.

d. SUB-SECTION OF COLONIES:—President, M. Kermorgant, Ministere des Colonies, a Paris.

1. Plague. Bacteriology, symptomatology, serotherapy, measures of prophylaxis and therapeutics.—By Simon and Yersin.

2. Tetanus in hot climates; its prophylaxis.—By Calmetre (Lille).

3. Etiology and prophylaxis of bilious haemoglobinuric fever.—By Firket (Liege), Clarac and Marchoux.

The American Auxiliary Committee organized at the request of Prof. Brouardel, the president of the Section of Legal Medicine under Class five, of Public Medicine, and his associates, the officials of this Section, is composed as follows:—

co-Legal Congress; Editor Medico-Legal Journal and President co-Legal Congress; Editor Medico-Legal Journal and Ex-President Medico-Legal Society of New York, Chairman.

Toxicology. Prof R. Ogden Doremus, M. D., Ex-President Medico-Legal Society of New York; Prof. W. B. McVey, of Boston, Mass., Toxicologist, Medico-Legal Society of New York.

Mental Medicine. P. M. Wise, M. D., President State Lunacy Commission, N. Y.; Daniel Clark, M. D., Superintendent Provincial Asylum for Insane, Toronto, Ontario.

Military Surgery. Surgeon General Nicholas Senn, M. D., of Chicago; Surgeon-General R. Harvey Reid, of Wyoming; Major Geo. Goodfellow, M. D., of San Francisco, Cal.

Railway Surgery. Chief-Surgeon W. B. Outten, M. D., of St. Louis, Mo., of the Missouri Pacific system; Chief-Surgeon F. H. Caldwell, of the Plant Railway system; Hon. Joseph W. Fellows, of Manchester, N. H.; Geo. Chaffee, M. D., of the Long Island Railway system, Ex-President N. Y. State Association Railway Surgeons; Prof. W. Xavier Sudduth, of Chicago, Ill.

Psychological. Prof. J. T. Eskridge, of Denver, Col.; D. R. Wallace, M. D., Ex-Supt. State Hospital for Insane, Waco, Texas; T. D. Crothers, M. D., Superintendent Walnut Hill Home for Inebriates, Hartford, Conn.; James T. Searcy, M. D., Superintendent Alabama State Hospital for Insane, Tuscaloosa, Ala.; A. E. Osborne, M. D., Superintendent, of Glen Ellen, Cal.; Geo. W. Grover, M. D., Sheffield, Mass., Daniel R. Brower, M. D., Chicago, Ill.; J. M. Henderson, M. D., Central State Hospital, Petersburg, Va.; F. T. Labadie, M. D., Assistant Secretary, 147 East 56th Street, New York City; Wyatt Johnson, M. D., Montreal, Q., Canada.

Chemistry. Prof. Victor C. Vaughan, University Ann Arbor Mich.; Geo. B. Miller, M. D., Ex-Chemist Medico-Legal Society of New York, Philadelphia, Pa.

Sociology and Criminology. Moritz Ellinger, Esq., of New York City, Corresponding-Secretary Medico-Legal Society, Secretary

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American International Medico-Legal Congress and Secretary of this Committee; Judge Abram H. Dailey, of Brooklyn, Ex-President Medico-Legal Society of New York; Geo. F. Moore, Esq., Ex-U. S. Attorney for Alabama, of Montgomery, Ala.; Rev. Phebe A. Hanaford, of New York City.

The papers already promised are as follows:

George Chaeffe, M. D., Surgeon of Long Island Railway, Ex-President New York State Association of Railway Surgeons, "The Work of the New York State Association of Railway Surgeons."

Albert Bach, Esq., Assistant Corporation Counsel of New York City, President Medico-Legal Society of New York, "The Rehabilitation of the Expert Witness."

Prof. W. Xavier Sudduth, Chairman of the Psychological Section of the New York Medico-Legal Society, of Chicago, Ill., "Personal Magnetism."

D. R. Wallace, M. D., of Waco, Texas, Ex-Superintendent State Hospital for Insane, "La Combustion des Cadavers, Criminelles el Pauvres."

Michael Campbell, M. D., Superintendent Lyons' View Hospital, Knoxville, Tennessee, "The Rational Treatment by the Courts of the Criminal Insane."

Capt. R. W. Shufeldt, U. S. Army, of Washington, D. C., "Psycopathia Sexualis and Divorce."

Helen Densmore, M. D., of Brooklyn, N. Y., "The Cure of Consumption at Patient's Home, Even in its Advanced Stages."

Prof. Thos. Bassett Keyes, M. D., of Chicago, Ill., Editor Journal and Review of Tuberculosis, "Should Consumption be Quarantined?"

George F. Moore, Esq., Ex-U. S. Attorney for Alabama, "Des delits Resultant de la Pratique du Magnetism, par des Personnes non Diplomees."

Clark Bell, Esq., LL. D., Honorary Member Medico-Legal Society of France, President Medico-Legal Society of New York, President International Medico-Legal Congress, will contribute a paper entitled "La Medicine Legale en Amerique en 19e Siecle."

Clark Bell, Esq., LL. D., of New York, "Railway Surgery in America."

T. D. Crothers, M. D., Vice-President Medico-Legal Congress, Editor Journal of Inebriety, Hartford, Conn., "Inebriate Criminals."

Montague R. Leverson, Esq., M. D., Fort Hamilton, N. Y., "The Right of the State to Impose Any Medical Practice or Dogma Upon its Citizens."

Hart Vance, Esq.. of Louisville, Ky., "Universal Induction, or Vis Harmonia."

Prof. D. R. Brower, M. D., of Chicago, "Asexualization of Degenerates in its Medico-Legal Relations."

"L. Enseignement de la Medicine-Legal dans, la Province de Quebec," par le Docteurs Wyatt Johnson, M. D., et Georges Villeneuve, M. D., Montreal, Q.

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"Le Valeur Medico-Legate de la Preuve de Gosio," par le Docteur Wyatt Johnson, M. D., de Montreal, Q.

Sophia McClelland, of N. Y., "The Criminal; His Treatment and Cure."

Frank Parsons Norburg, M. D., Jacksonville, Ill., "A Medico-Legal Study of Psychic Disturbances."

The following have promised to contribute papers, the titles of which should be forwarded early to Clark Bell, Esq., LL. D., Chairman of the Auxiliary Committee, so that the same may be sent to Prof. Brouardel and his associates in time for a proper classification on the general programme of the Congress.

W. H. Mitchell, M. D., Ex-President of the Medico-Legal Society of New York.

Prof. W. B. McVey, of Boston, Mass., Toxicologist of the Medico-Legal Society.

Prof. Victor C. Vaughan, of Ann Arbor University, Mich.

Dr. J. N. Hall, of Denver, Colo.

Dr. George B. Miller, of Philadelphia, Pa.

H. Gerald Chapin, Esq., LL. B., of New York.

Carleton Simon, M. D., of New York.

Dr. Daniel Clark, Supt. Provincial Hospital for Insane, Toronto, Ontario.

Wm. Lee Howard, M. D., Vice Chairman Psychological Section Medico-Legal Society, of Baltimore, Md.

Ida Trafford Bell, of New York, Trustee Medico-Legal Society.

N. W. Newcomer, M. D., of Indiana.

Surgeon-General Col. A. Harvey Reed, M. D., of State of Wyoming.

Surgeon Webb J. Kelly, M. D., of Galion, Ohio, member Ex-Committee Section Medico-Legal Surgery.

John J. Scott, M. D., Shreveport, La.

Prof. Daniel R. Brower, M. D., Chicago, Ill.

Moritz Ellinger, Esq., Secretary of the Auxiliary Committee.

J. Mount Bleyer, M. D., of New York City.

Judge Abraham H. Daily, of Brooklyn, N. Y.

W. S. Watson, M. D., Supt., &c., Fishkill on Hudson, N. Y.

W. B. Outten, M. D., Chief Surgeon M. P. Railway system, of St. Louis, Mo.

Dr. Justin A. Herold, of New York.

Andrew J. Hisrchl, Esq., of the Chicago Bar.

Bettini-di Moise, M. D., Bacteriologist of the Medico-Legal Society.

Frederick L. Hoffman, Esq., of Newark, N. J.

Sophia McClelland, Westchester, N. Y.

Alexander Wilder, Newark, N. J.

The papers should be completed as soon as possible and before April 1, 1900, and placed in the hands of the Chairman

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of the Auxiliary Committee, or of Dr. Motet, secretary of the Section of Legal Medicine Rue de Charoune 161, Paris, or of Monsieur Catleau, care of the Minister of War, Paris.

While these may be written in our language they should be accompanied by a translation or an analysis in the French tongue.

The September number of this Journal publishes the letter from Prof. Brouardel and his colleagues, to which members are referred for details.

Those members who desire to contribute to the Congress in any of the other classes or sub-section, should address either the Secretary General of the Congress, Dr. Chauffard Reu Saint Guilliaume 21, Paris, remitting $5 for membership fee, or Dr. Wm. Oster, Chairman American National Committe, Baltimore, Md., or Dr. Henry B. Jacobs, Secretary, 3 W. Franklin St., Baltimore, Md.

Those who have promised communications, as announced by the American Auxiliary Committee for the Section of Legal Medicine, should at once forward the titles of their papers to the Chairman of the Auxiliary Committee Clark Bell, Esq., 39 Broadway, N. Y. City, or to Dr. F. T. Labadie, 146 East 56th St., N. Y. City; or M. Ellinger, Esq., Surrogate Office, New York City.

THE SUPREME COURT OF THE STATES AND PROVINCES OF NORTH AMERICA.

Vol. I, of this work is now in press and will shortly be published. It contains a historical sketch of the court of each State, with portraits and sketches of the judges and the Supreme Court of that State, so far as the same are now accessible.

The following States, provinces and dependencies will be embraced in this Volume:

Series 1, Texas, Kansas; series two, New Jersey, Oregon; Series three, Alabama, Georgia and New Brunswick; Series

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four, Pennsylvania, Delaware; Series five, Part 1, Connecticut; Series five, Part 2, Rhode Island and Santiago de Cuba; Series six, Part 1, Minnesota and New Hampshire; Series six, Part 2, Ohio; Series seven, The addenda of all the named States to bring them up to 1900.

Vol. 2 will continue the History of the Supreme Court in other States, which will be taken up in the order in which the information is obtained to enable them to be completed.

Much pains and labor has been given to the preparation of the sketches of the members of the court and to obtain authentic portaits of the present bench in each State or Province and to reproduce them.

The History of the Supreme Court has been prepared under the supervision of the Chief Justice of the State or some prominent member of the bench or bar of the State, and no pains or expense has been spared to make the work authentic and reliable. It has been issued in part in serial numbers, and can be obtained still in that form at the price of $1.00 each.

The work has been edited by Clark Bell, Esq., of the Bar of New York City.

Subscriptions to the same are requested from the bench and bar. The editor requests copies of portraits of members of the bench of other States now needed for Vol. 2, in course of preparation.

It is published by the Medico-Legal Journal, No. 39 Broadway, N. Y., under the supervision of the editor, to whom all communications should be addressed.

GUNSHOT WOUNDS SELF-INFLICTED.

Dr. Charles Phelps, of New York, cites a case in New York Medical News of a bullet of .22-calibre entering the head one and one-half inches behind the left external angular process of the frontal bone, wound minute; no burning of hair or skin; smoke area of two inches in diameter; powder grains embedded in temporal muscle, but not in the skin;

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stellate depressed fracture; bullet embedded in a fragment of bone and lying on the dura mater, which was black with powder grains, and contused, but not lacerated; depressed bone and dura mater powder-stained in area of one inch.

The bullet was removed and the depressed bone elevated by use of traphine and rogeur. No general symptoms followed. The patient admitted that, though not left-handed, he had shot himself with the left hand to induce the belief that his wound was homicidal. Dr. Phelps regards the case as of medico-legal significance, and asserts that while the fact that a right-handed person was shot in the left temple, might seem to justify an inference that the wound was not self-inflicted; that this case shows a wilful case of attempted deception, though worthless from a scientific standpoint of any deduction from a purely hypothetical premise.

The case cited by Dr. Phelps is important as a fact in surgical practice, which would be important where reasonable grounds of apprehension should exist of a similar attempt to mislead, by the use of the left hand in the infliction of the wound by a right-handed man, and vice-versa.

It is important also, as a powerful illustration of the danger of theorizing on a basis hypothetical purely, where the question is, was the death one of murder or suicide?

MEDICO-LEGAL SOCIETY OF BELGIUM.

The following officers were elected, of this body, for the ensuing year, at the October session, (28th October), 1899.

President, Dr. Van Vyve, of Antwerp; Secretary General, Dr. Camille Morean, of Charleroi; Assistant Secretary, Dr. J. de Nobele, 41 Rue Kempart des Chardonniers, Ghent; Treasurer, Dr. de Wez. The Editorial Committee of "Annales de la Societe de Medicine Legale de Belgique," elected was composed as follows: Prof. Corin, of Liege; De Bersaques, of Ghent; Prof. de Boeck, of Brussels; Dr. Hendrix, of Brussels, and Rauwez, of Namur.

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SOCIETY MEDICO-PSYCHOLOQUE, OF PARIS.

At the December session of 1899, the following officers were elected for 1900: President, Dr. Magnan; Vice-President, Dr. Jaffroy; Secretary General, Dr. Ritti, Assistant Secretaries, Dr. Semelaigne and Dr. Sollier; Treasurer, M. Brunet; Librarian and Architect, Dr. Boissier.

NUGGETS FROM SCHOPENHAUER.

"Style is the physiognomy of the mind, and a safer index to character than the face."

"Truth is most beautiful undraped; and the impression it makes is deep, in proportion, as its expression has been simple."

"Thinkers and men of genius are those who have gone straight to the Book of Nature; it is they who have enlightened the world and carried humanity further on its way."

"The thought we read is related to the thought which springs up in ourselves, as the fossil-impress of some prehistoric plant, to a plant as it buds forth in spring-time."

"If a man wants to read good books, he must make a point of avoiding bad ones; for life is short, and time and energy limited."

"A genius is a man in whose mind the world is presented, as an object is presented in a mirror, but with a degree more of clearness, and a greater distinction of outline than is attained by ordinary people."

"The doctor sees all the weakness of mankind; the lawyer all the wickedness; the theologian all the stupidity."

"Obstinacy is the result of the will forcing itself into the place of the intellect."

"Hope is the result of confusing the desire that something will take place, with the probability that it will."

"Now and then one learns something, but one forgets all the day long."

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NORTH CAROLINA BAR ASSOCIATION.

The bar of North Carolina organized a State Bar Association on February 10th of this year, with 157 charter members. Its first annual meeting was held July 5th, 6th and 7th, at Morehead City, N. C.. There was an attendance of 1400 members, and the present members reaches nearly 3000. The President is Charles F. Warren, Esq., and the Secretary J. Crawford Biggs, Esq., of Durham, N. C.

We wish it success commensurate with its fine opening year.

PERSONALS.

THE annual electon of the Medico-Legal Socety brings a very strong infusion of new talent into the executive committee of the Society, and the new officers for 1900 will be of unusual strength. The new officers elected embrace, Clark Bell, Esq., as President, who, first elected President in 1872, of the Society, will, at the January meeting, occupy the chair for the 12th time.

Dr. Geo L. Porter, of Bridgeport, who assumes the First Vice-Presidency, has served once before in this position.

Dr. T. D. Crothers, of Hartford, editor of the Journal of Inebriety, elected Second Vice-President, has never before been in the management.

Dr. P. M. Wise, State Commissioner in Lunacy, for New York, elected on the Board of Trustees, has never before held office in the Society.

H. Gerald Chapin, of the Bar, is Secretary, and has never before held office.

Howard Ellis, Thomas G. Frost, Henry Wollman, all of the New York City Bar, take official positions for the first time, and the Board of Officers for 1900 will embrace a powerful body of workers in medico-legal science

Mr. Clark Bell, who was elected Treasurer, resigned that office, to take effect when his successor should be elected, and

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Judge Wm. H. Francis was nominated for the position, the election to lie over until February meeting.

CLARK BELL, ESQ., has been elected an honorary member of the State Historical Society of Kansas.

LUCIEN BROCK PROCTOR.—This eminent man and legal biographer who has been for so many years secretary of the State Bar Association, has by reason of his advanced years resigned the position. Mr. Charles J. Hailles concludes an interesting and able character sketch of Mr. Proctor in the January number of the Albany Law Journal.

M. JULES VOISIN is the President of the Paris "Societe D'Hypnologie et de Psychologie" and Archives de Neurologie, for December, 1899, reports an interesting session of October 17, 1899, in which Messrs. Berrillon, Paul Magnin, Paul Farez, Felix Regnault, Lepinay and Baraduc took part.

SECTION ON MEDICO-LEGAL SURGERY.—Mr. Clark Bell, who had acted as chairman of that Section in 1899, on assuming the presidency of the body refused to continue chairman of this Section, Chief Surgeon Chas. K. Cole, of Helena, Montana, was elected chairman of the Section. Judge Wm. H. Francis was re-elected treasurer and Mr. Clark Bell secretary. Mr. C. C. Richards, of Chicago, Ill., was elected into the Board of the Section.

PSYCHOLOGICAL SECTION.—There are few changes in the officers of this Section. Prof. W. Xavier Sudduth remained chairman. Mr. Clark Bell secretary and treasurer. The vice chairman and executive committee are very little changed. Carolina J. Taylor retires from the secretaryship of the Executive Committee on account of ill health, and is succeeded by A. Laura Joscelyn as secretary of the Executive Committee, who has been made acting assistant secretary of the Society in the absence of Caroline J. Taylor, who spends the winter in Florida. The report of this committee shows a great work in 1899.

MISS LOUISE ROBINOVITCH, M. D., of New York, a grad-

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uate of the University of Philadelphia, was on the Report of a Commission composed of Brunet Blin and Rene Semelaigne, made an associate member of the Societe Medico-Psychological, of Paris, at the October 30 session of that body. The commission had examined a brochure she submitted to that body entitled "Etude clinique des obsessions et impulsiones morbides."

Dr. Burr, formerly superintendent of Eastern Asylum, Michigan, superintendent of Oak Grove Hospital, and secretary of the American Medico Psychological Association, was elected an associate member (Foreign) of the Societe Medico-Psychological, of Paris, at the session of November 27, 1899, on the report of a commission of Messrs. Semelaigne, Falbert and Brunet.

R. W. Shufeldt, M. D., U. S. A., has been placed on the Committee of Patronage of the Paris Ornithological Congress of 1900. It is a well deserved compliment, as Dr. Shufeldt is one of the ablest ornithologists in the United States.

NECROLOGY.

Dr. Schrevens, Ex-President of the Medico-Legal Society of Belgium, died at Tournai, October 8, 1899. He was born March 17, 1835, at Tournai.

He was Chief Surgeon of the Hospital at Tournai, President of the Medical and Provincial Commission of Hainaut, Vice President of the Royal Medical Society of Belgium, Corresponding Member of the Academy of Medicine. He was a Chevalier of the Order of Leopold and was decorated with the Cross of the 18 Class.

Dr. De Wez pronounced a eulogy upon his life and career at the session of the Belgian Society on October 28th, 1899, of which he was one of the founders and First Vice President. He succeeded Dr. Vleminckx in the Presidential chair of that body.

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DR. JAS. B. MCONCURE, formerly superintendent of the Eastern State Hospital at Willaimsburgh, Va., for so many years, died at that Hospital November 10, 1898. For many years he was an honored active member of this Society and took a great interest in neurological studies. He was devoted to his profession and a conscientious and earnest worker, and his life for the greater part was devoted to the care of the insane at that hospital.

He is succeeded there as superintendent by Dr. L. S. Foster.

THE death of Paul Janet, Ex-President of the Societe Medico-Psychological, was announced at the October session of that body by the President, Dr. M. J. Voisin.

PROFESSOR EUGENE AZAM was born at Bordeaux in 1822 and held a high position in France. He was a prolific writer on his specialty, which was experimental psychology.

His death is announced, with detailed description of his works, in January number, 1900, of Annals Medico Psychologique.

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TRANSACTIONS.

MEDICO-LEGAL SOCIETY.

OCTOBER MEETING, 1899

The Medico-Legal Society met October 18, 1899, at Hotel St. Andrew's at dinner, at 7 p. m. After dinner the Society organized, President Albert Bach in the chair. Clark Bell, Esq., Secretary.

The minutes of the meeting of June 21, 1899, were read as published in advance sheets of the Journal, and on motion were duly approved.

The following were duly elected on recommendation of the Executive Committee:

ACTIVE MEMBERS.—Proposed by Clark Bell, Esq.: F. Stanley Hogg, M. D., 102 Palace Gardens Terrace, Kensington, London W., England; D. W. MacFarland, M. D., Greenwich, Conn.; Leslie J. Meacham, Esq., 313 3d Ave., N. Y. City; Prof. Raymond del Castro, Havana, Cuba; M. H. McKibben, M. D., Cincinnati, Ohio; Thomas E. Stack, M. D., Holbrook, Neb.; Hart Vance, Esq., 131 East Breckenridge St., Louisville, Ky.; J. J. Kindred, M. D., Rivercrest, Astoria, N. Y.; Hon. W. P. Letchworth, Portageville, N. Y.; F. B. Ruland, M. D., Newport, Conn. Proposed by Albert Bach, Esq.; Howard Ellis, Esq., 29 Park Row, New York. Proposed by Howard Ellis, Esq., Chas. M. Ellis, Esq., Pres. Med. State Med. Soc., Elkton, Md.

CORRESPONDING MEMBERS.—Proposed by Clark Bell, Esq.: Hon. Isaac N. Blodgett, Chief Justice Supreme Court of New Hampshire; Hon. Robert J. Peaslee, Hon. William Martin Chase, Hon. Robert M. Wallace, Hon. Frank N. Parsons, Hon. John E. Young, and Hon. Robert D. Pike, Associate Justices of the Supreme Court of New Hampshire; Hon. Charles M. Start, Chief Justice of the Supreme Court of Minnesota; Hon. Daniel Buck, Hon. Lorin W. Collins, Hon. William Mitchell, and Hon. Thomas Canty, Associate Justices of the Supreme Court of Minnesota.

The following paper was then read: "The Dreyfus Case," by Howard Ellis, Esq., of New York.

This paper was discussed by Clark Bell, Esq., H. Gerald Chapin, Esq., Judge A. H. Dailey and others.

A paper by Dr. T. Crothers, of Hartford, Conn., entitled "A Psychological Study of Jurors," was read.

Memorial exercises were then held.

Mr. Bell spoke of the life and career of S. B. W. McLeod, and eulogiums of his life were given by Judge Dailey, Albert Bach, Dr. Geo. W. Grover and others.

The life and labors of Judge A. L. Palmer was then introduced by Mr Clark Bell, who paid a high tribute to him and also to Dr. Norman Kerr. A memento to Dr. Kerr was presented and read by Dr. T. D. Crothers, of Hartford, Conn.

Mr. Bell spoke of the loss the Society had sustained by the death

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of Mr. Hull Fanton, Judge Chas. P. Daly and the other men named in the notice, and spoke feelingly of the departed.

Mr. Albert Bach paid a high tribute of praise to Judge A. L. Palmer, and to Ex-President S. B. W. McLeod.

Judge A. H. Dailey paid a high tribute to the memory of Ex-President S. B. W. McLeod, and Judge A. L. Palmer, of New Brunswick.

The Society adjourned.

CLARK BELL, Secretary.
ALBERT BACH, President.
CAROLINE J. TAYLOR, Asst. Secretary.

NOVEMBER MEETING, 1899.

The Society met at dinner, November 15, 1899, at the Hotel St. Andrews, in joint session with the section of Medico Legal Surgery.

After the cloth was removed, the Society was organized, the President, Albert Bach, Esq., in the chair, Clark Bell, Secretary.

The minutes of the October meeting were read and approved.

The following were elected members of the Society on recommendation of the Executive Committee:

ACTIVE MEMBERS:—Proposed by Clark Bell, Esq.: P. M. Wise, M. D., Chairman State Lunacy Commission, No. 1 Madison Ave., New York; Robert P. Woodard, Esq., Counsellor at Law, Chattanooga, Tenn.; G. M. Bell, M. D., Surgeon C. C. C. & St. L. Ry., Benton Harbor, Mich.; T. D. Crothers, M. D., Editor Journal of Inebriety, Hartford, Conn.; Prof. M. A. Marois, M. D., Prof. Med. Jurisprudence, 51 Rue St. Louis, Quebec, Canada..

CORRESPONDING MEMBERS:—Proposed by Clark Bell, Esq.: Hon. Joseph P. Bradbury, Chief Justice of the Supreme Court of Ohio; Hon. William T. Spear, Hon. Marshall J. Williams, Hon. Jacob F. Burket, Associate Justices of the Supreme Court of Ohio; and Hon. John A. Shauck, and Hon. Franklin J. Dickman, Ex-Associate Justices of the Supreme Court of Ohio; Hon. John A. Lovely, Supreme Court Justice-Elect of St. Paul, Minn.; Hon. Charles L. Lewis, Justice-Elect of the Supreme Court, Duluth, Minn.; Hon. C. L. Brown, Justice-Elect of the Supreme Court, Morris, Minn.

Nominations for officers to be voted for at the Annual Meeting for the ensuing year were then made as follows:

President,

CLARK BELL, Esq., of New York.

1st Vice-President,

GEO. L. PORTER, M. D., of Conn.
JUDGE CHARLES G. GARRISON, of N. J.
JUDGE P. K. TILLINGHAST, of R. I.

2nd Vice-President,

J. MOUNT BLEYER, M. D., of N. Y.
T. D. CROTHERS, M. D., of Conn.
JUDGE A. L. EMERY, of Maine.
CHANCELLOR JOHN R. NICHOLSON, of Del.

Vice-Presidents for the States, Territories and Provinces.

Alabama—Judge Thos. W. Coleman, Montgomery.
Alaska—Clarence Thwing, M. D., Sitka.
Arizona—D. M. Purman, M. D., Phoenix.
Arkansas—H. C. Dunavant, M. D., Osceola.
Austria—Prof. R. Krafft-Ebing, Vienna.
Belgium—Dr. Jules Morel, Mons.
Brazil—Prof. Nina Rodrigues, M. D., Bahia.
California—A. K. Osborne, M. D., Glen Ellen.
Colorado—Prof. J. T. Eskridge, Denver.
Connecticut—Judge A. M. Tallmadge, Bridgeport.
China—Harold Browett, Esq., Shanghai.
Cuba—Chief Justice Hechavarria, of Santiago.
Dakota, N.—O. W. Archibald, M. D., Jamestown.
Dakota, S.—John M. Harcourt, Steele.
Delaware—Judge Ignatius C. Grubb, Wilm'gt'n.
Denmark—Prof. Godeken, Copenhagen.
Dist. of Columbia—Irving C. Rosse, M. D., Wash.
Dom of Canada—Hon. A. G. Blair, Ottawa.
England—William L. Orange. M. D., London.
Ecuador—Senor J. M. P. Cammano, Wash. D. C.
Florida—N. de V. Howard, M. D., Sanford.
France—Victor Parent, M. D., Toulouse.
Georgia—Richard J. Nunn, M. D., Savannah.
Germany—Dr. H. Laehr, Berlin.
Guatemala—Senor Rafael Montufar.
Hawai—J. W. Waughop M. D., Koloa.
Hayti.—Genl. J. A. Bordes, Jeremie.
Holland—Dr. P. A. H. Sueens, Vucht.
Hungary—Staatsanwalt Em. V. Havas, Buda Pesth
Illinois—J. K. Owens, M. D., Chicago.
India—P. S. Sivaswamy Alyar, Madras.
Indiana—W. B. Fletcher, M. D., Indianapolis.

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Indian Territory—I. H. Bailey, M. D., Dexter.
Iowa—Jennie M. Cowen, M. D., Davenport.
Ireland—Conolly Norman, M. D., Dublin.
Italy—Enrico Ferri, M. D., Rome.
Japan—Dr. J. Hashimoto, Tokio.
Kansas—Judge Albert H. Horton, Topeka
Kentucky—F. H. Clark, M. D., Lexington.
Louisiana—I. J. Scott, M. D., Shreveport.
Maine—Judge L. A. Emery, Ellsworth.
Manitoba—D. Young, M. D., Selkirk.
Maryland—Wm. Lee Howard, M. D., Baltimore.
Massachusetts—Theo. H. Tyndale, Boston.
Mexico—Leon Lewis, M. D., Osuluama.
Michigan—Clarence A. Lightner, Detroit.
Minnesota—C. K. Bartlett, M. D., Minneapolis.
Missouri—W. B. Outten, M. D., St. Louis.
Montana—C. K. Cole, M. D., Helena.
Nebraska—Hon. John M. Thurston, Omaha.
Nevada—S. M. Bishop, M. D., Reno.
New Brunswick—Hon. C. B. Weldan, St. Johns.
Newfoundland—Dr. K. D. McKenzie, St. Johns.
New Hampshire—Gran. P. Conn, M.D., Concord.
New Jersey—Judge C. G. Garrison, Camden.
New Mexico—Gov. Bradford L. Prince, Santa Fe.
New South Wales—George A. Tucker, M. D.
New York—Mrs. M. Louise Thomas, N. Y. City.
New Zealand—Prof. Frank G. Ogston, Dunedin.
North Carolina—E. C. Smith, Esq., Raleigh.
Norway—Dr. Harold Smedal, Christiana.
Nova Scotia—Hon. Wm. S. Fielding, Ottawa.
Ohio—Judge H. C. White, Cleveland.
Oklahoma Ter.—A. H. Simonton, M. D., Okla. Cy.
Ontario—Daniel Clark, M. D., Toronto.
Oregon—Ex-Chief Just. Hon. Wm. P. Lord, Salem.
Pennsylvania—Geo. B. Miller, M. D., of Phila.
Peru—Senor F. C. C. Zegarro, Washington, D. C.
Portugal—Bettincourt Rodriguez, M. D., Lisbon.
Quebec—Wyatt Johnson, M. D., Montreal.
Rhode Island—Judge P. E. Tillinghast, Provid'e
Russia—Prof. Dr. Mierzejewski, St. Petersburgh.
San Domingo—A. Wei Yos Gil, San Domingo.
Saxony—Judge de Alinge, Oberkotson Hof.
Scotland—W. W. Ireland, Preston Pans, Edinb'h.
Servia—Hon. Paul Savitch, Belgrade.
Sicily—Prof. Dr. Fernando Puglia, Messina.
Silesia—H. Kornfeld, M. D., Grotkau.
South Carolina—S. W. Babcock, M. D., Columbia.
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Sweden—Prof. Dr. A. Winroth, Lund.
Switzerland—Prof. Dr. L. Wille, Basle.
Tennessee—Michael Campbell, M. D., Nashville.
Texas—Dr. D. R. Wallace, Terrell.
Tonga—Dr. Donald McClennen, Tonga.
Utah—Frederick Clift, M. D., St. George.
Vermont—Prof. A. P. Grinnell, Burlington.
Virginia—William F. Drewry, Petersburg.
Washington—Jas. C. Waugh, M. D., Mt. Vernon.
West Virginia—F. M. Hood, M. D., Weston.
Wisconsin—Dr. U. O. B. Wingate, Milwaukee.
Wyoming—R. Harvey Reed, M. D., Rock Springs

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Pathologist,
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Hon. CHAS. G. GARRISON, of N. J.

Medical,
VICTOR C. VAUGHAN, Esq., of Mich.

The chairman of the Executive Committee reported that the Woman's Committee of the Psychological Section of the Society had submitted to the Executive Committee a copy of a letter to Lady Randolph Churchill, of London, in response to her appeal to American women for aid for a hospital ship for the wounded soldiers in the war in South Africa between England and the Boers, which has been forwarded by the Committee to her. The letter is as follows:

NEW YORK, November 6th, 1899.

LADY RANDOLPH CHURCHILL,

Honored Madam: — The undersigned Woman's Committee of the Psychological Section of the Medico-Legal Society note with pride and pleasure your praiseworthy efforts, to furnish and despatch a Hospital Ship for the relief of the wounded soldiers and sailors of the Nation, of which you have become a citizen, by your marriage to a subject of the English throne; and we have heard your appeal to the women of the country of your birth, to aid you in a work of philanthropy and charity

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for the benefit of the soldiers and sailors of the country of your adoption, in the unfortunate war now going on in the South African Republic.

We beg to remind you that there is now an American lady languishing in an English prison, who is universally believed by her countrymen and countrywomen, to be entirely innocent of the crime with which she is charged; who was sentenced to death; whose sentence was commuted, on the advice of the Judge who tried her, by the English Home Secretary, on the ground that a doubt existed as to whether the death of her husband was caused by, or due to, arsenic; and who has, as we believe, suffered an unjust imprisonment for more than ten years. That this is despite the petitions and appeals of thousands of her countrymen and countrywomen; of the strong and urgent appeal of the Lord Chief Justice of England, who believed her innocent; of the personal urgent appeal of President Benjamin Harrison and the members of his Cabinet; of the strong letters of the wife of the President, and the views of the American Cabinet Ministers, appealing to the Queen of England in her behalf; all of whom urged her release, because they believed her to be innocent; and whom the Hon. William McKinley, President of the United States, with a firm conviction of her innocence, has asked for her release from the English Government, as an act of International comity, between two great nations, whose people are now anxious to see a strong feeling of amity cemented between these nations of a common blood and origin.

We ask you to seize the present occasion to urge upon the Home Secretary for England, the release of this American lady, who, less fortunate than yourself in her marriage with an Englishman, has since his death stoutly claimed her American citizenship, as she has the legal right to do, under the English law, and which she never surrendered under the American law; who is now suffering a terrible, cruel and long continued imprisonment, longer than any woman has endured under the English law, as we believe, and longer than any English woman of a similar social position would have suffered, if believed by the English authorities to be guilty; who, reared as a lady, and the daughter of one of our best families in America, in her feeble and delicate health, has maintained and preserved the rank of a Star Prisoner by her good behavior.

We urge upon you to explain to the English Home Secretary that his refusal to recommend Florence E. Maybrick to the clemency of the Queen of England, now so earnestly desired by the American President and people: so stoutly and constantly urged by the American Ambassador, Hon. Joseph H Choate; is not only a source of constant irritation to our people in America, but that it disturbs and prevents that sincere friendship, which has been made more necessary by the progress of recent events, involving the interests of both countries, growing out of the recent war between America and Spain, and the present conflict in South Africa; and that it also stands in the way of our coöperation with you in your humane endeavors, because of a feeling of just resentment and extreme annoyance at the continuance of a punishment, against an American citizen, whom we believe innocent of the offence for which she has been tried, that is more terrible and severe to endure than was that of Dreyfus.

Aid us, dear Lady Churchill, in securing the release of this innocent lady, and we will pledge the women of America to double the effort you are now making for the wounded in South Africa.

We remain,
Very faithfully, yours
CAROLINE J. TAYLOR, Chairman,
M. LOUISE THOMAS, THE COUNTESS BETTINI DI MOISE,
FLORENCE DANGERFIELD POTTER, ROSALIE DAILEY,
PHEBE A. HANAFORD, IDA TRAFFORD BELL,
SOPHIA MCCLELLAND, ANTOINETTE BROWN BLACKWELL,
C. VAN D. CHENOWETH,
Composing the Woman's Committee of the Psychological Section of the Medico-Legal Society of New York.

The action was, on motion, approved.

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The Chairman of the Executive Committee reported that the following resolution had been adopted by the Executive Committee:

"Resolved, That the evening of the 3rd Wednesday of February, 1900, and the succeeding day, be devoted to a discussion of 'Tuberculosis and its Modern Treatment,' and that expert scientists throughout the United States be invited to take part in this Congress; and that Prof. Thos. Bassett Keyes, M.D., of Chicago; J. Mount Bleyer, M. D., of New York, and Clark Bell, Esq., of New York, be named as a special committee to take the subject and the proposed meeting in charge, with power."

The action of the committee was ratified.

The Secretary reported that a plan of the meeting had been formulated, and a series of questions for discussion had met the approval of the Select Committee, which would be submitted shortly to members and scientists in the form of a preliminary programme of the proposed Congress in February, 1900.

The Society adjourned, and the Section on Medico-Legal Surgery organized.

ALBERT BACH, President.
CLARK BELL, Secretary.

ANNUAL MEETING, DECEMBER, 1899.

Society met at dinner at the Hotel St. Andrews, December 20, 1899. In the absence of the President and both Vice Presidents, Hon. Jacob F. Miller, Ex-President, was called to the chair, Clark Bell acting as Secretary.

The following were named as tellers for the annual election: Thomas Gold Frost, Esq., Ida Trafford Bell and J. Stanton Wilcox, M. D., to whom the Assistant Secretary delivered the ballots that had been sent to her, and the polls were opened.

The minutes of the November meeting were read by the Secretary and on motion approved.

The following, on recommendation of the Executive Committee, were elected to membership:

ACTIVE MEMBERS:—Proposed by Clark Bell, Esq.: Dr. Ralcy Husted Bell, of Atlanta, Georgia; Judge Jesse Arthur, Professor of Medical Jurisprudence, Battle Creek, Michigan; Professor X. La Motte Sage, A. M., Ph. D., LL. D., 39 State St., Rochester, N. Y.; Thomas F. Adkin, Esq., Vice President N. Y. Institute of Science, 39 State St., Rochester, N. Y.

CORRESPONDING MEMBERS:—Proposed by Clark Bell, Esq.: Giles William Van Vleck, M. D., Ph. D., LL. D., 708 Detroit Street, Jackson, Michigan; Dr. Wm. C. Krauss, Pres. Am. Mic. Soc., 371 Delaware Avenue, Buffalo, New York; E. Mather, M. D., Ph. D., Supt. Sanitarium, Birmingham, Mich.

The following papers were then read:

Paper by W. H. S. Monck, Esq., of Dublin, on "Corporal Punishment for Crime," read by the Secretary.

Paper by R. C. Richards, Esq., General Claim Agent Chic. & N. W. R. R., "Physical Fitness of Railway Employees," read by H. Gerald Chapin, Esq.

Paper by Dr. Joseph White, of Richmond, Va., on same subject as viewed by oculist and aurist, read by H. Gerald Chapin, Esq.

Paper by Hon. L. L. Gilbert, Assistant Counsel Pa. R. R., Pitts-

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burg, Pa., on same subject as viewed from a medico-legal standpoint, read by Clark Bell, Esq.

"Prevention of Premature Burial," by E. Camis, Esq., of Paris, was read by Mr. Durand.

The papers by R. C. Richards, Esq., Dr. White and Mr. Gilbert were discussed by Henry Wollman, Esq., Thomas G. Frost, Esq., Carleton Simon, M. D., Clark Bell, Esq., Dr. Huddleton, Secretary Section of Medicine, Academy of Medicine, and J. Mount Bleyer, M. D.

The paper on "Premature Burial" was discussed by Dr. Carleton Simon, M. D., Henry Morrison, Esq., Clark Bell, Esq. and H. Gerald Chapin, Esq.

The tellers reported no choice for the office of Second Vice President. Dr. Crothers and Dr. Bleyer were the two leading candidates. On a second ballot Dr. Crothers was elected. The following officers were then declared elected:

President,
CLARK BELL, Esq., of New York.

1st Vice-President,
GEO. L. PORTER, M. D., of Conn.

2nd Vice-President,
T. D. CROTHERS, M. D., of Conn.

Vice-Presidents for the States, Territories and Provinces.

Alabama—Judge Thos. W. Coleman, Montgomery.
Alaska—Clarence Thwing, M. D., Sitka.
Arizona—D. M. Purman, M. D., Phoenix.
Arkansas—H. C. Dunavant, M. D., Osceola.
Austria—Prof. R. Krafft-Ebing, Vienna.
Belgium—Dr. Jules Morel, Mons.
Brazil—Prof. Nina Rodrigues, M. D., Bahia.
California—A. E. Osborne, M. D., Glen Ellen.
Colorado—Prof. J. T. Eskridge, Denver.
Connecticut—Judge A. M. Tallmadge, Bridgeport.
China—Harold Browett, Esq., Shanghai.
Cuba—Chief Justice Hechavarria, of Santiago.
Dakota, N.—O. W. Archibald, M. D., Jamestown.
Dakota, S.—John M. Harcourt, Steele.
Delaware—Judge Ignatius C. Grubb, Wilm'gt'n.
Denmark—Prof. Godeken, Copenhagen.
Dist. of Columbia—Irving C. Rosse, M. D., Wash.
Dom of Canada—Hon. A. G. Blair, Ottawa.
England—William L. Orange, M. D., London.
Ecuador—Senor J. M. P. Cammano, Wash. D. C.
Florida—N. de V. Howard, M. D., Sanford.
France—Victor Parent, M. D., Toulouse.
Georgia—Richard J. Nunn, M. D., Savannah.
Germany—Dr. H. Laehr, Berlin.
Guatemala—Senor Rafael Montufar.
Hawai—J. W. Waughop M. D., Koloa.
Hayti.—Genl. J. A. Bordes, Jeremie.
Holland—Dr. P. A. H. Sueens, Vucht.
Hungary—Staatsanwalt Em. V. Havas, Buda Pesth
Illinois—J. E. Owens, M. D., Chicago.
India—P. S. Sivaswamy Aiyar, Madras.
Indiana—W. B. Fletcher, M. D., Indianapolis.
Indian Territory—I. H. Bailey, M. D., Dexter.
Iowa—Jennie M. Cowen, M. D., Davenport.
Ireland—Conolly Norman, M. D., Dublin.
Italy—Enrico Ferri, M. D., Rome.
Japan—Dr. J. Hashimoto, Tokio.
Kansas—Judge Albert H. Horton, Topeka
Kentucky—F. H. Clark, M. D., Lexington.
Louisiana—I. J. Scott, M. D., Shreveport.
Maine—Judge L. A. Emery, Ellsworth.
Manitoba—D. Young, M. D., Selkirk.
Maryland—Wm. Lee Howard, M. D., Baltimore.
Massachusetts—Theo. H. Tyndale, Boston.
Mexico—Leon Lewis, M. D., Ozuluama.
Michigan—Clarence A. Lightner, Detroit.
Minnesota—C. K. Bartlett, M. D., Minneapolis.
Missouri—W. B. Outten, M. D., St. Louis.
Montana—C. K. Cole, M. D., Helena.
Nebraska—Hon. John M. Thurston, Omaha.
Nevada—S. M. Bishop, M. D., Reno.
New Brunswick—Hon. C. B. Weldan, St. Johns.
Newfoundland—Dr. K. D. McKenzie, St. Johns.
New Hampshire—Gran. P. Conn, M. D., Concord.
New Jersey—Judge C. G. Garrison, Camden.
New Mexico—Gov. Bradford L. Prince, Santa Fe.
New South Wales—George A. Tucker, M. D.
New York—Mrs. M. Louise Thomas, N. Y. City.
New Zealand—Prof. Frank G. Ogston, Dunedin.
North Carolina—E. C. Smith, Esq., Raleigh.
Norway—Dr. Harold Smedal, Christiana.
Nova Scotia—Hon. Wm. S. Fielding, Ottawa.
Ohio—Judge H. C. White, Cleveland.
Oklahoma Ter.—A. H. Simonton, M. D., Okla. Cy.
Ontario—Daniel Clark, M. D., Toronto.
Oregon—Ex-Chief Just. Hon. Wm. P. Lord, Salem.
Pennsylvania—Geo. B. Miller, M. D., of Phila.
Peru—Senor F. C. C. Zegarro, Washington, D. C.
Portugal—Bettincourt Rodrigues, M. D., Lisbon.
Quebec—Wyatt Johnson, M. D., Montreal.
Rhode Island—Judge P. E. Tillinghast, Provid'e
Russia—Prof. Dr. Mierzejewski, St. Petersburgh.
San Domingo—A. Wel Yos Gil, San Domingo.
Saxony—Judge de Alinge, Oberkotzon Hof.
Scotland—W. W. Ireland, Preston Pans, Edinb'h.
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South Carolina—S. W. Babcock, M. D., Columbia.
Spain—Sig. A. M. Alv. Taladriz, M. D., Valladolid.
Sweden—Prof. Dr. A. Winroth, Lund.
Switzerland—Prof. Dr. L. Wille, Basle.
Tennessee—Michael Campbell, M. D., Nashville.
Texas—Dr. D. R. Wallace, Terrell.
Tonga—Dr. Donald McClennen, Tonga.
Utah—Frederick Cliff, M. D., St. George.
Vermont—Prof. A. P. Grinnell, Burlington.
Virginia—William F. Drewry, Petersburg.
Washington—Jas. C. Waugh, M. D., Mt. Vernon.
West Virginia—F. M. Hood, M. D., Weston.
Wisconsin—Dr. U. O. B. Wingate, Milwaukee.
Wyoming—R. Harvey Reed, M. D., Rock Springs

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G. STANLEY HEFFT, M. D., of Conn.
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HON. JOHN M. THURSTON, of Neb.
CLARK BELL, Esq., of N. Y.

Medical,
VICTOR C. VAUGHAN, Esq., of Mich.
GEO. L. PORTER, M. D., of Conn.
NICHOLAS SENN, M. D., of Chicago.

The Secretary reported the action of the Sub-Committee on the Tuberculosis Congress, to be held on the third Wednesday of February, and further reported an unusual interest in the medical profession, among the physicians who give especial attention to Tuberculosis.

The Secretary submitted the following statement:

The New York Herald, and the New York Journal, recently published statements from their correspondents at Washington purporting to be based upon information alleged to have been derived from the American Secretary of State, announcing an unfavorable decision by the English Government, upon the pending application for the release of Mrs. Maybrick. Shortly after their publication I addressed the following letter to Colonel Hay, and received the following reply:

In view of the widespread error resulting from these publications and the impressions that followed them on both sides of the Atlantic, I deem it my duty in justice to Colonel Hay, to publish his disclaimer and my letter eliciting it.

Letter from Mr. Bell, Chairman of the Maybrick Memorial Committee, to Colonel Hay, American Secretary of State:

"New York, November 24th, 1899.

Col. John Hay, Secretary of State.

My Dear Sir:—The New York Journal and other newspapers of this city have recently published statements that the British Government had refused the application which had been made for the release of Mrs. Maybrick, through the American Ambassador, Mr. Choate; and that all the efforts that have been made for her release were fruitless.

While these statements were not official statements, they were made by the correspondents of the journals at Washington upon alleged information derived from your office.

May I ask you, dear sir, to give me information whether you or Mr. Choate have received any reply to the application which you had so kindly forwarded to Mr. Choate, accompanying the papers forwarded by the Committee, of which I was Chairman, and whether there is any foundation, in fact, for the recent publication in the New York newspapers alleging that the English Government had made an adverse decision to the pending application which the American Ambassador had been making.

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Should your answer involve any confidential statements, which you did not desire to be made public, I should of course respect any intimation which you gave me in that regard. So long a time has elapsed since our appeal was forwarded, and as we are not aware that any reply whatever had been made by the English Government, I should be very glad indeed if you would advise me, if it is not inconsistent with the public service, what reply, if any, has been made to our appeal. I remain, sir, with great respect,

Your obedient servant,

CLARK BELL.

P. S.—I enclose copy of a letter forwarded by the Chairman of the Woman's Committee of the Psychological Section of the Medico-Legal Society to Lady Randolph Churchill on 10th inst., and which fairly reflects American sentiment at the present moment.

Department of State,
Washington, November 28, 1899.

My Dear Sir:—

I have your letter of the 24th of November.

I am not responsible for the publications in the Washington newspapers, and have, in fact, given out no news in regard to the Maybrick case. I have received no report from Mr. Choate of the result of his application to the British authorities in Mrs. Maybrick's behalf, and I am not able to say whether the British Government has finally and definitely decided to refuse the application for her pardon. Very truly yours,

JOHN HAY.

Hon. Clark Bell, 39 Broadway, New York City.

The enclosure referred to was the letter to Lady Randolph Chucrhill given above.

It was, on motion, unanimously

Resolved, That the annual report of the Treasurer and other officers, and of the Sections of the Society be made at the January meeting of 1900, instead of at the annual meeting.

It was moved by Mr. Bell and seconded that the paper of Mr. Camis and the value and efficiency of his apparatus be referred to a committee of three, to be named by the chair, to investigate the same and report to this body. Carried unanimously.

The Society then adjourned.

JACOB F. MILLER, Acting President.
CLARK BELL, Secretary.
CAROLINE J. TAYLOR, Asst. Secretary.

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JOURNALS AND BOOKS.

THE TOBACCO PROBLEM. By Margaret Woods Lawrence. Lee & Sheppard, Boston, Mass.

Mrs. Margaret Woods Lawrence is one of those who refuse to take middle ground on the use of tobacco.

Believing that the use of tobacco is pernicious and harmful, she makes her crusade for its extermination.

Her work, entitled "The Tobacco Problem," is perhaps the most complete and able presentation of the efforts, that have been made from the philanthropic and humanitarian side, that has been compiled.

The folly, the expense, the ills, of the use of tobacco, are set out in the strongest possible forms.

In the author's preface to the fifth edition she uses this language: "Again and again have I been told that I injure the cause by demanding too much; that it is the abuse, and not the proper use, of tobacco, against which I should direct my efforts."

This sensible advice falls on deaf and unwilling ears with this author.

She loses her influence, on those who use tobacco, by the intemperance of her assaults.

All thoughtful minds recognize the disastrous effects, upon the human race, of the intemperate use of alcoholic drinks.

In the drink habit, when it has become a disease, and the victim a confirmed inebriate, it is often felt that total abstinence is the only perfectly sure remedy.

The total abstinence movement, of and from intoxicating liquors, was a wise and saving movement, and while it rescued many, it failed to reach even the majority.

There is no chance for such an extreme view to be generally accepted among men, as to the use of tobacco, for the good of the race. Women are excluded, because not one woman in ten thousand uses tobacco, in our country, excluding snuff-taking, which is not now as much in vogue as it was formerly.

The experience of the race in dealing with the vices of mankind, by legislation, which enforces restraint upon the personal habits of men, especially of drink, where the evil is so stupendous and formidable, has been negative of good results. At least it has not eradicated the evil, if it has diminished its volume.

The point is how to reach the most affected and injured by the drink habit, or the tobacco habit.

Those who have never smoked or chewed tobacco need not be regarded. They do not need aid. They may have what opinions they please. It is the smoker or drinker we must, or should, strive to reach.

It is a remarkable fact that an impression has been quite universal that the tobacco, used in the manufacture of cigarettes, was adulterated with opium and other noxious drugs; that these drugs wrought the greatest possible injury to the young who used cigarettes.

This belief was universal. I, for one, entertained it, though I had never smoked a cigarette in my life. It was not based on knowledge, nor did it rest on proof of any kind; but it swept over the land.

The laws of the several States, restricting the sale of cigarettes to boys and youths under age, rest upon this singularly false theory.

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The famous Commission of the London Lancet, in its report made in the issue of December 9, 1899, upon the cigarettes purchased in New York and sold in London, of the same brands, show that, as a matter of fact, and the result demonstrated, that no foundation whatever exists for the exaggerated statements that had been made as to their adulteration. Foreign toxic substances were not found in a single instance among those looked for. Search was made for morphia, phosphorus, arsenic, mercury, copper and other heavy metals. The Commission say: "To sum up, there is not a single feature, in these numerous results, upon which can be fairly based any allegation of the presence of a substance producing injury to health."

The result of an inquiry, conducted by the Medico-Legal Journal, among the most famous and well-known alienists and scientists of this country, and of many abroad, showed that there was no reason to trace insanity as produced by the use of the cigarette, even when used to excess.

It has been a common point of attack, by the sensational press, to attribute all the evils of crime and misery to the cigarette, if the criminal smoked cigarettes, and many newspapers teem with such statements and assign the cigarette as a cause.

These seem to be exaggerations, and they are, after all, unavailing. They are as intemperate as the views of the extremist of the extremes—like Mrs. Lawrence. They seem to react.

Cicero says, "Eloquence is the art of persuading men." They do not persuade. It might be a cruel thing, perhaps, to say of such a book that it does not reach the victims. It does not save them. They repel it.

We know that tobacco, in its excessive use, is an unmixed evil. We can hardly see any good in it. It is disgusting, filthy and repulsive in the extreme, and there can be few cases in the world where it does any real, substantial good to the user. But we would ask Mrs. Lawrence whether the extreme views which she presents and argues with so much ability and force, has, under her observation and in her experience, resulted in inducing those who used tobacco, to abandon its use? The laws may place a lad under such restraints that, while a minor, he could not buy a cigarette; but if his father, and his relatives, and his best friends smoke, will the boy himself abstain when he reaches manhood and passes from under the protecting arm of the law? The lesson is, that exaggeration of an evil seems not, in its results, to prove of any benefit to those who differ most from it. Where the relief sought depends upon the volition of the victim, we must seek to reach this volition and influence it. We must put ourselves in the place of the mind we seek to reach. Extreme and exaggerated statements, by those who have never suffered, rarely succeed.

My own objection to tobacco smoking is, that it is apparently on the increase. In my youth no gentleman ever smoked in the presence of a lady in public, without first obtaining her permission. A lady, in the company of a gentleman on the street, would be compromised if the gentleman smoked. Indeed, in those days no gentleman would smoke on the street in company with a lady. The husband would not be allowed to insult his wife, by publicly smoking in her company, on the street or in a public assembly.

The rule was different on the continent of Europe, and recently, men who claim to be gentlemen smoke in the presence of ladies, in public places in the City of New York, and especially, I regret to say, in the larger halls of the Waldorf-Astoria. It is not forbidden by the rules of the house, and while such a spectacle is extremely offensive to gentlemen of the old school, and must occasion ladies great discomfort and annoyance, it is tolerated in circles where evidences of better breeding would be expected.

The tobacco smoker is a social nuisance, and should be suppressed in all places where his intrusion disturbs the comfort or pleasure of others.

CARE AND TREATMENT OF EPILEPTICS. By Wm. Pryor Letchworth,

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LL. D. G. P. Putnam's Sons, New York and London. The Knickerbocker Press. (1900.)

Mr. Letchworth has felt the want of a volume that would describe and illustrate the provision now made for the care of epileptics, in our own as well as in foreign countries, and at the same time arouse an interest in the public mind for the unfortunate class, which has, until the past quarter of the 19th century, had no suitable recognition, or provision made for its care.

For ten years Mr. Letchworth was Chairman of the State Board of Charities of the State of New York, and he is well known for his deep and earnest sympathy for the degenerate classes. He has for the past five years been one of the foremost philanthropists of this nation, and his philanthropy has gone from the heart into his work.

It is perhaps due to the relatively small number of epileptics in the world, compared to the whole population, that those countries which claim the higher civilization have neglected any adequate provision for the poor who are thus afflicted. England is perhaps the most backward of all civilized nations, and perhaps Prussia the most advanced among them all.

Insanity, which seems to be almost a product of modern civilization, has forced its claims on public recognition during the last half of the closing century. Epilepsy, with the same claim, has been less fortunate in its recognition.

Mr. Letchworth's estimate of 113,000 epileptics in the United States is probably not an over-estimate, and is, in itself, reason for a greater attention to these unfortunates.

A careful showing of the work of the Craig Colony, in this State, and the best detailed summary of all the institutions, home and abroad, are given by Mr. Letchworth in this admirable work.

It is presented in a most attractive form and is illustrated not only with great care in the selections, but with admirable success from an artistic standpoint.

Mr. Letchworth contributed, a few years since, a work entitled "The Insane in Foreign Countries," which was prepared with the same pains and care that marks the present volume.

Both these volumes are superb contributions to the literature of the subject, and should be on the shelves of all the great libraries in this country, and indeed in all countries.

FIFTEENTH ANNUAL REPORT. New York Post-Graduate Hospital. (1899.) The Annual Report of this Hospital is a most artistic production. It is filled with admirable selections, taken from its own wards. It is a splendid record of a useful work of philanthropy, credita ble to its managers, and to the City of New York.

ALADERNE AND OTHER POEMS. By Ralcy Husted Bell, M. D. Charles Wells Moulton, Buffalo, N. Y. (1899.)

Dr. Ralcy H. Bell is a poet of no mean rank. He should have called this volume "Poems of Passion." He is a singer whose lute is tuned to the tenderest and sweetest symphonies of love.

Let Ella Wheeler Wilcox look out for her laurels. This Sweetest Singer of the South touches with the hand of a master all the tenderest notes in the whole range of those chords that vibrate in the human soul; and the whole range and gamut of the subtlest emotions of the heart are embraced in and covered by his songs.

He is the Swinburne of the younger American poets, and his pen seems burnished with the very flame and breath of the divinity of passion and of love.

THE LOGIC OF VEGETARIANISM. By H. S. Salt. Ideal Publishing Company, London, Eng. (1898.)

The subject of vegetarianism, in the form of a dialogue, is the latest morsel offered to the public, in this work, on the mooted question of diet.

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The manner of presentation is novel and catchy, and while the book is crammed full of data and statistics, its limitation is found in the heading of the chapter on Flesh Meat Morals.

The introduction of a masquerading "Psychic-Philosopher" is hard to understand, in consideration of the fact that the genuine article would never be pitted against vegetarianism, nor been guilty of making the indifference to food, of the Indian Zogis, so profound as to include meat, as it is well known they never eat animal food in any form.

However, as far as it goes, the book is worth study; though it remains a regret that the immense field of diet, in its higher and spiritual development, shows such faint marks of the furrow.

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Buffalo Medical Journal,
Boston Medical and Surgical Journal,
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Case and Comment,
Canadian Practitioner,
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Courier of Medicine,
Centralblatt fur Nerv.,
Canadian Law Times,
Charlotte Med. Journal,
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Columbus Med. Journal,
Canadian Journal Med. Surgery,
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Chicago Clinic,
Charities,

Der Irrenfreund,
Der Gerichtssaal,
Del Kongelige Sundhedskollegiums,
Davenport Acad. of Nat. Sci.
Detroit Legal News,
Dietetic and Hygiene Gazette,
Dunglisan Col. & Clin. Record.

English Lunacy Commission.

Fordhand Svensta Lakare Sallskapts,
Fort Wayne Med. Jour.,
Fishing Gazette,

Guy's Hospital Reports,
Gazette del Tribunal,
Giornale di Neuropatologia,
Gerichti Zeitung, Vienna,
Gazette des Hopitaux,

Hygiea,
Harvard Law Review,
Holstein Friestin Register,
Hot Springs Med. Journal,

Illinois State Board of Health,
International Journal of Surgery,
Index Medicus,
Iowa Law Bulletin,
Il Pisania Gazetta Scuola,
Indian Review.
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Johns Hopkins University,
Journal of Inebriety,
Journal of Medical Sci.,
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Journal de Medicine,
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Kansas City Med. Index,
La. Psi. la Neurol e Sci.,
Lippincott's Magazine,
L'Anthropologie,
London Lancet,
Littell's Living Age,
Law Quarterly Review,
Le Progress Medicale,
Louisville Medical News,
Lunacy and Charity,
Literary Digest,
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Lancet Pub. Co.,
La Habana Medica.
Law Students Journal.
Literature,

Mass. State Board of Health,
Medico-Legal Society of Massachusetts,
Medical Review of Reviews,
Medical Annales,
Medical News,
Messenger of Neurology and Forensic Psycopathology, St. Petersburg,
Medicine,
Menorah Monthly,
Madras Law Journal,
Medical Fortnightly,
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Modattscarfft fur Unfallheilkunde,
Medical Herald,
Mind,
Medical Sentinel,
Med. and Surg. Bulletin,
Medical Bulletin,
Medical Register.
Medicus.

North American Reivew,
New Orleans Med. and Surg.
New York Med. Record,
Nordisk Medicinskt Arkiv
N. Amer. Journal of Diagnosis and Practice,
N. C. Med. Journal,
Occidental Med. Times,
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Pacific Medical Journal,
Pacific Record of Medicine and Surgery,
Personal Rights,
Phrenological Journal,
Psychological Review,
Penn Yan Democrat,
Pa. State Com. of Lunacy,
Public Opinion,
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Public Health Journal,
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Revue De Medicine,
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Scotch Board of Lunacy,
Sanitarian,
Sanitary Record,
Smithsonian Institute,
Societe Medicine Legale de France,
Society D'Anthropologie, Brussels,
Society for Psychical Research,
Society for Promoting the Welfare of the Insane,
Science Italiana,
St. Louis Courier of Med.,
Sei-I Kwai Med. Journal,
Spirit of the Times,
Suggestive Therapeutics.
Suggester and Thinker.
Spectator.

The Hahnemanian,
Tennessee State Board of Health,
The Journal of Miss. State Med. Ass.
The Cape Law Journal,
The American Journal of Psychology,
The Green Bag,
The Open Court.
The Freeman,
The Arena,
The Monist
The Cosmopolital Osteopath,
Texas Sanitarian,
Texas Medical Journal,
Interstate Med. Journal,
Turf, Field and Farm,
The Legal Adviser,
The Philistine,
The Sheep Breeder,
The Therapist,
The Physician and Surgeon,
The Public,
The Texas Clinic,
The Flaming Sword,
The Raven.
The Coming Age,
The Stylus.
The Legal Gazette.
The Surgical and Dental News.
The Colorado Medical Journal.

Union Industrial Dratt Female,
Universal Med. Sciences.

Virginia Law Register,
Virginia Medical Semi-Monthly,

Woman's Med. Journal,
Western Reserve Law Journal,
Weekly Law Journal,
West Virginia Bar,

X-Ray Journal.

Yale Law Journal,
Youth's Companion.

Zeitschrift fur Schweizer Strafrecht,
Zeitschrift fur Psychiatre

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SUPREME COURT OF KANSAS.

THE PRESENT BENCH.

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Chief Justice

Hon. Wm. R. Smith,
Associate Justice

Hon. Wm. A. Johnston,
Associate Justice.

From advance sheets Supreme Court of the States and Provinces of North America.

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RETIRING ADDRESS.

BY ALBERT BACH, ESQ., AS PRESIDENT OF THE SOCIETY.

OFFICERS AND MEMBERS OF THE MEDICO-LEGAL SOCIETY,

LADIES AND GENTLEMEN:—

My term of office as president of this society having expired, it is but proper that I should place before you a statement of what has been done by the society during my administration, and also an expression of my views as to what should be striven for in the future.

We have made some progress in the matter of membership, forty-two new active members having been added to our list. This increase is not all that it should have been, but when we consider that notwithstanding the vital importance of a close and careful study of the wonderful revelations of science in furtherance of human welfare, science has comparatively but a handful of votaries, we must recognize this accretion to our ranks as an augury of a growing interest in our work. In this age, as in every other, the devotees of science have been martyrs to the cause of humanity, and the sacrifice of individual material gain to the advancement of the general good, constitutes now, as it always has, and probably always will constitute, the exception to the rule of human conduct. Ours is the duty, by constant, earnest, unremitting effort to lead our fellow men temporarily away from the race track of selfish competition, into the quiet, peaceful fields of scientific research, discovery and exposition. To assert that we will

Pronounced, Jan. 17, 1900.

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to any considerable extent be successful in this effort, may sound Utopian, yet lofty purposes strenuously fought for, are the salvation of mankind.

It is my sad duty to recall to your minds the demise, during my term of office, of two of our honored members, ex-President Dr. S. B. W. McLeod and Judge A. L. Palmer, vice president for the province of New Brunswick, but grief at their loss is somewhat assuaged by the contemplation of the fact that the fell hand of Death can in no way effect the memory of the faithful labors and glorious accomplishments of our departed ones in the domain of a broad and comprehensive philanthropy. Their deeds are their monuments and place them in the ranks of the living dead.

The papers that have been read during the past year, at our monthly meetings, and the discussions of them, demonstrate that our society is engaged in the investigation of subjects of practical importance to the community at large. The following is a list of said papers and their authors:

"Practice of Medicine and Charlatanism," by Prof. P. Brouardel, of Paris, France.

"Sex in Punishment for Crime," by Clark Bell, Esq., of New York City.

"The Criminal Treatment of the Insane," by W. H. S. Monck, Esq., barrister at law, Dublin, Ireland.

Resolutions on Memorial to the English Home Secretary in the case of Mrs. Florence E. Maybric, by a special committee of the society.

"Instant Death by Decapitation an Impossibility According to Biological Analysis," by Dr. J. Mount Bleyer, of New York.

"The American Government and People and the English Home Secretary," by Clark Bell, Esq., of New York.

"Physicians—Expert Witnesses—Some Reforms," by Henry Wollman, Esq., late of Kansas City.

"Theory of Contact Shots—the Case of Frank N. Sheldon—Its Sequel," by William B. Chisholm, Esq., of Auburn, N. Y.

"How far may Overpressure in Education be Considered as a Factor in Degeneration of Nerve Tissue," by Sophia McClelland, of New York.

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"Corporal Punishment for Crime," by Simeon E. Baldwin, of the Supreme Court of Errors, of Connecticut, and other prominent jurists and criminologists.

"The Whipping Post for Wife Beaters," by Rev. Phebe A. Hanaford, of New York.

"Corporal Punishment for Crime," by Rev. Antoinette Brown Blackwell, of New York.

"Christian Science and the Law," by Moritz Ellinger, Esq., Howard Ellis, Esq., H. Gerald Chapin, Esq., and John Carroll Lathrop, Esq., all of New York City.

"Case of Dreyfus, by Howard Ellis, Esq., and Clark Bell, Esq.

"Psychological Study of Jurors," by Dr. T. D. Crothers, of Hartford.

"Progress of Hygiene and Medico-Legal Surgery," by G. P. Conn, M. D., of Concord, N. H.

"A Few Suggestions in Railway Surgery," by Albert Bach, Esq., of New York.

"Dying Declarations," by Andrew J. Hirschl, Esq., of the Chicago bar.

"Physical Fitness of Railway Employes," by R. R. Richards, Esq., of Chicago, and others.

"Prevention of Premature Burial," by E. Camis, Esq., of Paris, France.

All of the papers have been published in the Medico-Legal Journal and I urge everybody here present to secure copies of the Journal and read these papers, because their perusal will afford you a rare mental treat.

The public press has aided us in the circulation far and wide of the views of the writers of said papers and of the persons who have discussed them, and our thanks are due and I hereby, in behalf of the society, tender them, to the proprietors and reporters of the daily newspapers, for the dissemination of the valuable and useful suggestions presented at our meetings. This is no vain glorious self-adulation, for I do not hesitate to state that those papers contain the thoughtful utterances of serious men in matters deeply affecting everyone. Nevertheless to be candid, I must remark that the interest in our proceedings has not been commensurate with their importance.

This may be the result of the popular belief that everybody's business is nobody's business, but the belief is an

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error, and its correction depends upon the awakening to the truth that experience alone yields. This nineteenth century has revealed marvelous developments in all directions. Before it expires let us hope to see an evolution of medico-legal men from mere money making men. I trust that in the future the study of medico-legal science will be deemed a necessity rather than a fad. I am satisfied that the rays of the sun of science are bound eventually to pierce and dispel the clouds of ignorance, prejudice and fanaticism, and when they do, the present medico-legal crank will be transformed into and be looked upon as a general benefactor.

In my inaugural address I laid out a plan of work for our society. This plan has not been entirely carried into effect, not through any fault of mine, but by reason of a certain apathy on the part of our membership, which I am told characterizes the membership of most scientific bodies.

I respectfully recommend to my successor in office that he sees to it that the following of my suggestions be put into practical operation, to wit:

1. That our society secures suitable quarters for a permanent home, and that our library be placed there, so that members may have access thereto, and that the old resolution adopted many years ago, that every member give yearly one bound volume on medico-legal subjects, to the library, be enforced.

2. That we have a section, the province of which should be the consideration of sanitation and sanitary laws.

3. That a permanent committee on legislation be appointed to take charge of the presentation to the Legislature of the memorials and views of this society on proposed amendments to existing laws and enactment of new ones, within the scope of our labors.

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Our president elect, Clark Bell, Esq., is a leader among medico-legal scientists, and we are all satisfied that under his wise administration of the affairs of our beloved society, it will prosper and hold its place as the foremost society of its kind in the world.

I welcome you, Brother Bell, as my successor and hope that you may be spared to us in health and vigor for years to come. I congratulate all the officers elect for the ensuing year upon their election to their respective honorable positions, and am free to say that with such a staff of officers the future of the society looks bright.

In conclusion permit me to thank you one and all, my colleagues, for the aid you have so graciously yielded me, and to wish that during the coming year we may realize our dearest hopes for the advancement of medico-legal science and the welfare of our society.

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INAUGURAL ADDRESS.

OF CLARK BELL, ESQ., AS PRESIDENT OF THE MEDICO-LEGAL SOCIETY, JAN. 17, 1900

FELLOWS OF THE MEDICO-LEGAL SOCIETY:—

For the honor conferred in again calling upon me to assume the presidential chair of the Medico-Legal Society for the twelfth time, and after the lapse of nine years, I can only return my heartfelt thanks. I confess that I accept the place at this time with a profound emotion.

While for many years I have felt the deepest interest in the success of the body with which I have been identified for nearly one-third of a century, it is more than twenty-eight years since in 1872 I first assumed the presidential chair of this body.

Whether we regard the eventful years of the closing century in its relation to the progress of Forensic medicine in America, and the relation which this body has borne since its founding in 1868 to that progress; or whether we look forward to the years now coming in the near future, we cannot but feel that this society has borne the greater part of the burden, in the closing third of the century of which for the last third it has been the most conspicuous factor.

It may well be said that the centuries are the mile stones of human history. If we consider the term of human life, as of about one hundred years, which it is, to quite a few of the living of everyone of the men of each era, dying at 100 years of age, who in infancy sat in the laps of the centenarians who preceded them, we can readily imagine

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how few men, thus touching hands at the opening and closing of each century, it would take to complete the chain of those who have lived since Christ was on the earth at the opening of the era named after him.

A few retrospective glances at the events of the 19th century in its relation to Forensic medicine cannot fail to be of some interest to the members of this body.

It may be for convenience sake divided into thirds, three periods, or eras of thirty-three years each.

From the period of 1800 to 1833, Forensic medicine was at a low ebb in the American states as it was in the British Island and indeed for the most part upon the continent of Europe.

Italy may be said to have given this science more attention and there have been illustrious names in Italy, who have entitled that land to be regarded on a higher plane, than any other nation on the continent prior to the 19th century.

It was at the close of the first third of the century and the opening of the second period in 1832 and 1833, that the beginning of the development of the railway in America can be dated.

A single line was built in 1829, which was opened in 1830 in the United States, but it was only in 1832, the year of my birth, that the substantial construction of the easterly railways began to substitute the locomotive for the packet boats on the great canals, and to supercede the stage coach on the thoroughfares of travel.

Its progress was at first slow and stately. The first railway was opened in 1830 and up to 1848, or near the close of the first half of the century, only about 316 miles of road was constructed annually. In 1848 only 5,996 miles of railway had been constructed. This has enormously in-

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creased and on December 31, 1898, there was in the United States over 186,809 miles of railway constructed.

This may be regarded after the discovery of steam as a force and motor power, the most important factor in the development of the new world, in the Western Hemisphere; and it has more than all other factors combined, served to produce as a result, the nation now so conspicuous in the eyes of the world, as one of the foremost in its relations to the substantial development of the race on the whole globe, and this has been substantially accomplished in the second and third periods of the century.

The name of T. Romeyn Beck is the most lustrous American name associated with the advancement of medical jurisprudence upon the American continent. His labors were mainly in the first part of the second third of the 19th century, as he died in 1855.

His writings and his individual efforts, more than of those all other Americans combined of his era and day, may well be said to have kept alive the fires upon the altar of Forensic medicine in our land.

It was in 1845 that the work of greatest advancement in England under the elder Tuke, and the Earl of Shaftesbury, commenced the reforms as to the care and management of the insane, Pinel, in France, and Guislain, in Belgium, laid the foundations for the splendid forward movements for the amelioration of the condition of the insane in the British Islands and upon the continent of Europe.

The work of the Medico-Legal Society has been confined to the last third of the closing century.

If I were asked to touch lightly on the results of its labors in the last thirty odd years, with which I am familiar, I could say that in nothing has its labors been more marked and successful than the benefits it has conferred

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upon the medical profession in the first place, and in removing and modifying the antagonisms that then existed between the legal and medical professions, and in instituting a better and more agreeable relation between the two great professions of law and medicine.

Medical men have been taught what their rights were, as medical witnesses, and their duty as to the minute and careful study of the science to fit and qualify them to act as competent medical experts, and the courts have been educated up to the proper recognition of the rights, powers and duties of the medical witness.

Contrast the medical witness before the court to-day and the attitude of the court to him, with the state of the practice in the same respect in the English courts both now and in the past.

In the American courts the medical witness is fully protected by the judge on the bench. In the English court the medical witness is often treated with disrespect by the English bench, so marked that many of the ablest men in the medical profession in England have refused to go upon the stand, as a medical witness at all, under any circumstances.

The Medico-Legal Society has taken an active, honorable, and a prominent part in all the leading reforms in legislation that have touched the relations of medicine to legislation and the rights of the citizen.

Without attempting to enumerate even a tithe of the work I will mention a few.

It was the action of the Society, doubtless, more than any other single cause, in the case of Schoppe, in Pennsylvania, that not only secured him a new trial but actually obtained the right of criminal appeal in that Commonwealth to one convicted of homicide. This body was largely influential

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in the reforms in the lunacy statutes of Pennsylvania and of New York not only, but in many of the other states of the American Union.

It has certainly been the most important factor in the abolition of the gallows in New York and the substitution of the electric chair as a punishment for homicides.

It has greatly ameliorated the condition of the insane in their treatment and in securing the partial and in some states complete abolition of mechanical restraint in the public hospitals for the insane.

It has been an enormous factor in that judicial evolution which has in many of the American states overthrown and put out of sight what is known as "the knowledge of right and wrong," as a test of insanity in capital cases; and has greatly modified judicial sentiment in many of the other states, so that the homicide who is insane and whose act is the consequence of an insane delusion which has dominated his conduct, is now regarded as not responsible without reference to his ability to discriminate between right and wrong as an abstract question.

It has been largely influential in that judicial evolution which now regards inebriety like insanity, as a disease, and softens the application of the old rule of the law so that it may be put upon standards similar to that regarding insanity and in protecting the confirmed inebriate, whose acts are outside his own volition, against himself, and the reflex of its action and work in this regard has been felt upon the administration of justice in the courts of England.

Its labor and work in the branches of Medico-Legal surgery, military, naval and in railway surgery cannot be overestimated, and its future in this department is full of promise and bright with the expectation of still higher successful endeavor.

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But it is in the whole field of psychology and in the domain entrusted to its psychological section of the Medico-Legal Society that this body has done some of its best work in the past and has its highest hopes and aspirations for the future.

A majority, probably, of the superintendents of American hospitals for the insane in the United States, are on the roll of its membership and identified with its labor in the field of the medical jurisprudence of insanity and inebriety.

The other fields of study embraced in and covered by this section are replete with the good results of its labors in the past and the composition and domain of this section will be one of the most prominent fields for the labors of this body as the years progress.

The attention of the world of science is this year attracted to the Paris exposition of 1900.

It is a source of regret that there will be no congress of Medical Jurisprudence in Paris nor in Mental Medicine as there was in 1889.

Both these branches, however, are to be exploited in the International Medical Congress there, one under the section of Legal Medicine, under the chairmanship of Prof. P. Brouardel, one of the honorary members of this society, and that of Psychological Medicine under the chairmanship of Dr. Magnan, one of our most esteemed and honored corresponding members, and a large number of our Paris confreres are identified with the various sections of the International Medical Congress.

The report of the Section of Medico-Legal surgery which is submitted herewith to-night for the year 1899, and of the Psychological section for the same period show in detail the labors of the past year in this direction and point to the coming century with great force and indicate a brilliant future for the body.

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The great interest taken in the world of science in the proper treatment of tuberculosis and its relation to the State as to proper remedial legislation is to come before this body in February, 1900, when a Congress of Tuber culosis is to be held for the full discussion of those problems under the auspices of this Society to which the specialists in this branch have been invited to contribute and take part in the discussion which opens a wide field of usefulness for our labors.

The retiring president, Mr. Albert Bach, has pointed with a laudable pride to the record of the labors of this body in the year just passed during his administration.

I take a great pleasure in speaking of the zeal, energy and fidelity to duty that has characterized for many years the labors of Mr. Albert Bach in the work of this Society.

No member of the body has been more active, more zealous, more helpful in upholding my hands and seconding my efforts for the advancement of the true aims and success of this Society than has Mr. Albert Bach, the retiring president, who for the past twenty years has been clearly identified with the work of the Society and as an officer during the most of the time.

The Medico-Legal Journal, which was founded in 1883 and is now closing its 17th annual volume, has been one of the products of this body and an enormous factor in its work.

It is not for me to speak of its merits. The volumes are an epitome of its labors and are a reliable source to measure its usefulness.

There is an active membership of the body of about 550 members, a corresponding membership of about 500, and an honorary membership at this time of 18, exclusive of a large number on the suspended list for non-payment of

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dues, and the members of the section of Medico-Legal Surgery on the present roll is about 125 members, and that of the Psychological section of about 130.

The future of the Society was never more bright or its usefulness more universally known and recognized.

I feel some hesitation in again assuming the labors incident to my high ideals of the duties of this chair in return for the honor you have conferred upon me.

I again thank you. I hope you will allow me to ask you the favor of your forbearance for my shortcomings and your active aid in advancing the standard of Forensic Medicine entrusted to our keeping into still further advances and still higher achievements in the year upon which we are now entering.

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FIRST VICE PRESIDENT'S ADDRESS.

Mr. President, Honorable Guests and Fellow Members of the Medico-Legal Society:—

Our society, inaugurating another year of social comradeship and intellectual emulation, invites its members to renewed activity in its special studies and labors. Medico-Legal investigations expand to keep pace with the acquirements of modern surgery and medicines with the results of hygenic experimentation, the ingenuity of criminals and the decisions of the courts. It is not enough to acquaint ourselves with the printed reports of these matters in the privacy of office or library. Perusal of the works of any author, if cleverly written, may persuade one to his sentiments, but their intrinsic and practical value is only demonstrated when weighed in the balance of public discussions, or purified in the fire of critical and conflicting opinions. Lord Bacon epigrammatically writes in his essay on studies: "Reading maketh a full man; conference a ready man; and writing an exact man; and, therefore, if a man write little, he had need have a great memory; if he confer little, he had need have a present wit; and if he read little, he had need have much cunning, to seem to know that he doth not."

The aim and purpose of our organization is the endeavor to eliminate that which is false from contemporaneous theories of morals, physics and so-called discoveries, and to acquaint ourselves with that which is lasting and true. "Truths are the daughters of Time," and, therefore, immortal. Our meetings unite us in a pleasant social function and also offer the opportunity for the presentation of

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individual opinions upon the many problems of our diversified public and private life, which are far-reaching in their interest and influence, and which are no more enthusiastically endorsed by the multitude of their supporters than vehemently condemned by those of contrary sentiments.

There is no dearth of important subjects for such discussions. A years' work might profitably be devoted to the consideration of the single question—In punishment for violation of the laws, what differentiation should be made, and how should it be substantiated, between personal responsibility, popular sentiment, hereditary tendencies and hypnotic and criminal suggestion? This question is not confined to the limits of a forensic discussion, nor terminated by the acquisition of personal wisdom, but is to enter more and more into legal proceedings and judicial sentences.

This society properly furnishes the forum in which to compare individual opinions and prepare for public professional responsibilities.

Therefore, fellow members, let us congratulate ourselves that the new administration is directed by a presiding officer who has achieved reputation by skill in executive duties and by experience in the professional affairs that constitute our particular study, and, as one of the officers, honored by your selection, I welcome you to these meetings, where you may contribute to the knowledge of others, and may be yourselves instructed.

GEO. L. PORTER,
Vice President.

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ADDRESS OF DR. T. D. CROTHERS.

It is a great pleasure to be numbered among the officers of this Association, and to have an active part in the great work of clearing away the superstition and obstructive theories which have obscured the great questions which both law and medicine must answer. This Society and its honored president are opening up a new and very wide field of study which will be occupied by a vast army of students in the near future. Some years ago as chairman of the Section on Neurology of the American Medical Association, I invited a very prominent physician and teacher of medical jurisprudence to read a paper on some medico-legal topic. He declined, giving at some length his opinion that all such topics were worked out and nothing new could be said about them. This, to my mind, was an exact representation of his mental state. He still lives, but I suspect he is not acquainted with the Medico-Legal Society or its work; and I am sure that, like a belated traveller, he has fallen back in the march entirely out of sight of the front line of research. I believe the work of this Society will make the greatest advance through its Psychological Section. I think this field of research promises the most complete solutions of the problems we are confronted with. The great laws of mental growth and the vast influences which control conduct and character are the forces we must understand to estimate crime and its prevention.

Not long ago John Jones was a prosperous merchant in a New England village. He celebrated his birthday with a sumptuous dinner, from which he was laid up with acute

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dyspepsia. The next day he got into an altercation with his partner; and w pped him. Two sympathetic l wyers undertook to redress this injury. On reflection, Jones was convinced that he had not injured his partner. Hence he employed two sympathetic lawyers to defend him. A vigorous battle went on for two years; and Jones was bankrupt. The family doctor discovered signs of impending disease and ordered "rock and rye." Another doctor considered morphia valuable, and taught him to use the needle. Soon after Jones was a full-fledged inebriate and drug-taker. His wife died and he started on a weary tramp. The police judges in the different towns tried hard to cure him by the ten-dollar-fine and the ten-days-in-jail treatment. This failing, they doubled the penalty, and finally gave him tremendous doses. Later, Jones became involved in a murder, and it required five lawyers and seven doctors and three days time to determine his irresponsibility. He is now resting in a State asylum waiting to be translated to the hereafter. Such instances as this would not have occurred had the psychology of crime and human conduct been studied.

Recently in a noted trial, where, as usual, several good physicians differed widely on the meaning of certain facts, the judge became disgusted. He charged the jury to ignore the medical testimony, and intimated that it was absurdly ignorant, and relieved himself in several destructive sneers. In the higher court where this case was carried, the judges differed on the legal construction of the same class of facts, and gave dissenting views, three to four. No one was excited, and no disgust or sneer at their biased, weak judgment was uttered.

When crime is understood as disease, with distinct causes following uniform laws, which can be traced, this discordant criticism will disappear. The psychological

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side of the medico-legal questions will reveal that wonderful fact of double personality of motives and conduct springing from another personality than that which we have seen or known. Drugs and alcohol totally changing the man, making a criminal of him, are common illustrations in every court. Thus, a previously quiet, honest man becomes a dangerous criminal. Or a will is produced, giving property to a source foreign to all previous conceptions. Lawyers and doctors shout themselves hoarse in bitter criticisms of each other in the attempt to solve these enigmas. When the psychology of such acts are studied, their can be no mistake. From this study we shall find explanations of that large class of men whose intelligence we admire but whose moral and ethical brain we detest:—men on the bench, men at the bar, men in the sick room, men in many responsible positions, holding the dearest relations of life in their hands, who are moral paralytics and defectives with feeble or without ethical sense of duty and right, and only held in their place by the thin bonds of society and custom. The legal profession condemns doctors as stupid and ignorant on the witness stand and blunderers in the sick room. The doctors point out the terrible farce of the lower courts, trying to prevent crime by means which actually increase it, and call attention to the delusion of capital punishment as a deterrent from crime, and the fatal blunder to regulate conduct, and to administer justice along some mechanical theories. So the two professions stand in the early dawn of the coming century. Each on a low foot-hill of egotism, criticising and condemning each other. The Medico-Legal Society is the great arbiter for the coming century. Here we can unite and join in clearing away the mists and shadows of the present. The medical expert will become an investigator and adviser of the conditions of disease and re-

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sponsibility, and the lawyer will be an expert adjudicator of wrongs and counsellor for the prevention of crimes and losses. The perplexities which now disturb us are all resolvable from a clearer knowledge of human culture and growth and the laws which control life. Medicine and Law are one in the study of this topic, but, as in other fields of science, the facts must be gathered above all theories and pre-conceived notions. The laws of physical life are unchanging and move with the same uniformity as the growth of plants. The same influences of climate, of storm, of night and day, growth and decay, go on with the majestic sweep of certainty. The jurisprudence of the future has scarcely been touched. So far we have simply been clearing away the ground and preparing the way to enter upon this unknown land, and I am sure that the coming year will see great advances in this direction. Also I am certain that our new psychological studies will reveal many unsuspected facts concerning the disputed questions which occupy so large a share of our attention.

Our president-elect, through all these years, both in season and out of season, has been slowly and surely building up a monument to his name and memory, more enduring than marble or bronze, which will go far down into the future. Medical jurisprudence in America, both in its birth, infancy and growth, will ever be associated with the name and labors of Clark Bell. The records of this Society, its Journal and editor, have become a very large part of the evolutionary growth of Medico-Legal Science. It is a great pleasure to welcome Mr. Bell again as the head of this Society, which has been so largely the creation of his genius and energy, and we can only add in the paraphrased words of the old poet, "May he who began this pioneer march into the new realm of science live long to direct and guide the enthusiasm and energies of the great army

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of students coming up to occupy it." I am sure that this Society begins a new era with greater promises than ever, with brighter hopes of making greater advances along this field in the coming years.

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ADDRESS OF H. GERALD CHAPIN, LL. D., SECRETARY ELECT.

FELLOW MEMBERS OF THE MEDICO-LEGAL SOCIETY:

When I say that I thank you for assigning to me the pleasant duty of following in the footsteps of our newly elected president, as secretary of this Society, I believe that everything has been said that should be expressed upon an occasion similar to the present. The great Lord Coke has somewhere observed that to the legal student there is no kind or degree of knowledge whatsoever, so apparently vain and useless that it shall not, if remembered, at one time or another serve his purpose. While this quotation may certainly not be strictly apropos of a subject which, like medicine, is so closely allied to law that it is difficult at times to say where one ends and the other begins, yet I cited it to point the argument that an attorney, who is naught but a mere compendium of cases and collection of precedents, is not, and cannot be, a lawyer in the best and truest sense of the word. The days have passed away when an attorney devoted his hours of study solely to a perusal of black-letter tomes and calf-bound digests. We now exact from the cultured member of the bar that he shall possess knowledge which, from a strictly logical standpoint, may perchance be considered as being without the domain of law, but which, nevertheless, it is necessary for him to master, in order that he may occupy a position where the interests of his clients may be adequately protected. Of such "outside" knowledge the science of medicine is pre-eminently chief. Consider the infinite variety of instances in which there may be required, from

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an attorney, a knowledge of such subjects as insanity and toxicology in all their branches.

Looking at the matter from the standpoint of the medical practitioner, we can easily appreciate the importance of knowing something of existing law. While I have the greatest horror of knowledge of the "Every-man-his-own-lawyer" quality, I still most emphatically believe that no physician should be permitted to practice, unless he knows something of the duties and responsibilities which our courts and legislatures have seen fit to lay upon him. "Every gentleman should know the law," observes Blackstone (though it is true that another author adds "and the less he knows of it the better,") and in no instance can I conceive of such knowledge being more imperatively demanded than in the case of members of the medical fraternity.

Our Society, at the present time, is doing a work of which every one here to-night may well be proud. Take three instances: (1) In England to-day there lies in prison an American woman of refinement who, innocent or guilty, has certainly not received that full and impartial justice which it is the aim of our common law to accord. What nobler work than to struggle for her release? (2) There exists a body of fanatics who, it is alleged, under the guise of a religious belief, are refusing to their deluded followers all medical assistance. Should such practices be restrained? While many of us believe that the matter is one in which no lawmaking body may properly interfere, yet it should certainly not be permitted to pass uninvestigated. (3) The unheard cry of those thousands who, since the world began, have suffered the horrors of a premature burial, will force us to do all in our power to avert the possibility of such a horror happening to any of our fellow-men.

But I fear that too long have I prevented you from hear-

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ing the eloquent speakers who are to follow. A well-known author has made the remark that three things should be borne in mind by every one who rises to address an audience: Have something to say, say it, and sit down. Though I may have signally failed in the first two respects, the last can at least be complied with.

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REMARKS OF DR. P. M. WISE,

STATE COMMISSIONER IN LUNACY FOR NEW YORK.

MR. PRESIDENT, LADIES AND GENTLEMEN:

I feel more like apologizing, than epigrammatizing, for a remissness in attendance upon the meetings of this Society, one which has created such an enviable reputation for good, progressive work. This annual meeting of the last year of the century, is like the last wakeful hour of the day to the methodical man. He reviews the work before him for the coming day, and mentally emphasizes the more important duties awaiting him. In like manner this Society should review the social problems which it will bear a great relative part in solving. They are many and important, and it would be presumptuous to attempt a reference to them all in this superficial way. But surely it is evident that the curbing of heredity, as a degenerating factor of prime importance, and related to it, some regulation of marriage, is a necessity for the preservation of a desirable human standard. Whether education will serve the purpose, or the sovereignty of state must lay its heavy hand upon individual liberty of selection, will depend upon the digestion of progressive data by such expert tribunals as this. Then, too, the great question of the disposal of human driftwood—human vegetation? How can the Divine commandment be harmonized to euthanasia when the time comes, not far distant now, when society will no longer willingly bear the great burden which is yearly growing in arithmetical proportions? Take the insane, for instance. An increase of nearly one hundred per cent. in a quarter of a century, dependent

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upon public care! Where will it end? How can it be modified? What other disposal than human care to a great inert mass for which no hope exists? You will all bear your part in these great discussions, but you should lead. Let the Society carve for itself a prominent niche in the apex of the pyramid of higher education, and uncover its light to the public, and thus become a world's great teacher. Clark Bell, the president elect, has built in this Society an enduring monument, and a factor for great good. There are few, if any, social questions that do not have a medico-legal bearing, and the possibilities for good work for the Society are unsurpassed. It will reap all the harvest, if cultivation is persistent, for the soil was well prepared, and the seeding was perfect. If a suggestion is permissible from so new a member as the speaker, I should recommend an increased allotment of time to the discussion of timely subjects, rather than quite so much time given to formal papers. An essay, summing up the results of discussion, would be more fruitful than its introduction of subjects. I thank the Society for its confidence and the honor it has shown me.

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ADDRESS OF THOMAS G. FROST, ESQ.,

ASSISTANT LIBRARIAN ELECT.

To the Members of the Medico-Legal Society:

In thanking you for an election to an official position in this body, it seems not inappropriate to express publicly my appreciation of the value such an organization as the Medico-Legal Society is, to all those who feel a deep and abiding interest in the study of forensic medicine. To its intelligent leading in the past, is undoubtedly due much of its satisfactory progress that has been attained in the science itself. That its future will show even greater and more satisfactory results, is at once the belief and wish of your newly elected Assistant Librarian,

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ADDRESS OF MISS JOSCELYN.

Miss A. Laura Joscelyn acting as Secretary of the Society and Secretary of the Executive Committee of the Psychological Section, one of the newly elected officials, being called upon, by the chair, said:

Mr. President and Fellows of the Medico-Legal Society and of the Psychological Section. I am so wholly unused to the discharge of the duties which your kind favor has conferred upon me, that I hesitate to leave my position as a listener and as a student, which I have hitherto held with so much pleasure and I hope profit.

To the subjects within the province and domain of the Psychological Section I have given most of my study and attention and these certainly come nearer to my ideals of what the higher work of the society should be. I quite agree with Dr. Crothers in giving the studies of this section most prominence in the work in which the usefulness of its labors are the most conspicuous and helpfu .

I think you will agree with me in extending here a tribute to that splendid student, and I may say master of Psychological science, Mr. Thomson Jay Hudson, for the contribution he has made in his first masterly work "The Law of Psychic Phenomena."

I have read it not only with the greatest pleasure, but it has been to me, in my progress in the field of Psychological Science as a lamp to my feet, and a guide to my steps.

When I consider the names of those enrolled as active students of these themes and the intense enthusiasm and energy shown in the labor by all here, I can only join with those, Mr. President, who predict for your administration in the coming year still higher achievements than those of the past.

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REMARKS BY EX-JUDGE A. H. DAILEY.

EX-PRESIDENT MEDICO-LEGAL SOCIETY.

MR. PRESIDENT, LADIES AND GENTLEMEN:

"The King is dead, long live the King." Although this is a seeming paradox, yet, when the life of the old monarch ebbs out, the incoming king ascends the throne, and, in a sense, the king never dies. As our ex-president, Mr. Bach, retired from the chair, you, Mr. President, were inducted into the honorable and important office which you now hold. The occasion is one remarkable in many respects. In so far as human history has recorded the works of man, we are living in the closing days of the most remarkable century since the advent of man upon the earth; and yet, the dawning light of the coming age is auspicious with indications of advancements far transcending anything that man has yet accomplished, in dealing with nature and nature's forces, and in revelations concerning man himself. We are only on the threshold of knowledge, which has been considered impossible of attainment, because it was supposed to be concealed from mortals, and only accessible to the gods.

Mr. President, the Society of which you are now the head, has done its share in the past, and surely it will in the future do more to advance the world by medico-legal efforts. How little the great majority of mankind knows of what has been done, and is being done, by law and medicines as sciences, for its protection! Surely, upon an occation like this, with less than five minutes in which to speak, I cannot enter upon a discussion of the numerous methods, and the results which have followed the efforts in various directions, which if here declared, would more

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than justify the assertion that law and medicine are to-day the most important professions in the civilized world. They stand for life, health, happiness, liberty, justice and equality.

Notwithstanding wars existing between nations, law and medicine lessen many of their horrors. Notwithstanding oceans divide nations, we realize that nations must enter into international compacts to stay the spreading of diseases, and the ravages of plagues, which, but for law and medicine, would carry away millions upon millions of the human race.

Mr. President, the opportunity is afforded you, and I am sure the duty could not have devolved upon another so able, to assist in bringing about wise, united and vigorous action among the representatives who will meet in Medico-Legal Congress at Paris, at the World's Great Exposition, this year, tending to still further lessen the sufferings of those forced into wars, and which will also tend to bring such united action among nations as shall prevent those habits of life among barbarous and semi-civilized people, which engender those diseases which have so cruelly afflicted the human race from the earliest times. I mention these as being matters of supreme importance, well knowing that others of great moment will call for careful consideration.

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ADDRESS OF EX-PRESIDENT HON. JACOB F. MILLER, OF THE NEW YORK BAR.

Ex-President Hon. Jacob F. Miller, being called upon for remarks by the President, said :

Allusion has been made to my early connection with this Society. I was a member from the beginning, but regret that I have been unable to do more for its interests.

During its existence the Society has done much good. It is capable of doing much more by keeping pace with the advance of sociological studies.

That people are learning better how to live, is evident from the tables of mortality, which show an increased average in the duration of human life. In this respect the physician can be of vast service to us in his advice regarding the care of the body.

But the greatest progress in the human race must be along the line of the psychological, the spiritual. In tracing the order of development in the world, a regular gradation upwards is found. Starting with the atom, we find chemical affinity, the attraction of cohesion, the attraction of gravitation, and after due preparation the lower forms of vegetable life, the higher forms of vegetable life, the lower forms of animal life, the higher and more complicated forms of animal life, man in his lower degree of development, man physical, man mental, man spiritual. Each succeeding step is one higher, and the last subordinates what precedes.

Along the line of development we find animals. They need food, and they take it if they can. They need drink, and they ask no questions.

If it is necessary to kill in order to assuage their hunger

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or quench their thirst, they kill. If they have fear of other animals or man, they accomplish their object by stealth. In that they do such acts as constitute crime in man, in order to sustain their life. No one blames them for it, for it is according to their nature. They have no moral nature and feel no restraints. Why should they? They act up to their best light. If man had only an animal nature, that is, a physical and partly developed mental nature, he would be a greater animal and could accomplish more than the other animals, but he would feel no restraint or obligation to respect the rights of others. He would take what he could get or want, and by such means as lay at his disposal, and no one could blame him, for he would have no higher nature, nothing which could operate by way of restraints. But to the animal were added, in man, a power to apprehend truth as truth, which we call reason, and a spiritual nature, which apprehends right and wrong—moral distinctions. To him the acts of the animal, in disregarding the rights of others, are wrong. Still he has the animal within him, impelling him in the direction of the animal. A conflict exists between the animal on the one side, and the nature which apprehends truth and recognizes moral and spiritual obligations on the other. As the power to apprehend truth and moral and spiritual obligations are last in the order of development, they are highest in the series and subordinate, or should subordinate, all the lower powers and functions.

The problem for humanity is so to develope the higher nature so as to control and subordinate the lower. To compel their subordination in some degree is the function of human law. To induce men to recognize it and voluntarily observe it, is the office of religion. It is obvious that the future development of the race must be along the line of the psychological, the spiritual, and the best work of this Society will be along the same line.

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REMARKS OF CORRESPONDING SECRETARY HON. MORITZ ELLINGER.

Accustomed, for the last quarter of a century, to respond "Ready!" whenever I hear the tintinabulation of the melodious voice of our "Bell," I will, in a few words, try to say something of the wonderful changes which mark the dividing line between the dying and nascent century. To me it seems that the most marked feature is our growing sentiment of humanity. We have become more humane. We have hedged in our criminal procedure, the criminal who has taken human life either for the purpose of robbery, or revenge upon a rival, or from intensity of passion, with a network of protecting legal subterfuges, that his conviction becomes, in many cases, a mere question of chance. If convicted, we have provided for opportunities of appeal to higher courts, that when the last stage has been reached and the final decision has been rendered, which decrees the forfeiture of the life of the murderer, our humanity steps in again. We must spare the condemned convict the suffering incidental to the sudden cutting off of the life forfeited to justice, of the possible pain which he may endure; that is, we must minimize the time in which he has to pass from this world into eternity. We must not hang him, that consumes too long a time before his consciousness is annihilated, we resort to electricity—and this Society had much to do with the introduction of this humane mode of execution, which reduces the suffering to a time infinitesimal. Ladies of course go farther in their sentiment of humanity, they even send the convict bouquets of sweet-smelling flowers, that his last hours may become as aromatic as possible.

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We look on with indifference to the indiscriminate slaughter of the innocents by faith-curists who mock and laugh at the victory of science and the progress of knowledge. To be humane means to be tolerant that, under cover of religious faith, canting women and ranting, irreligious religionists may laugh at our laws of ethics and morality and pray people to death as the most God-pleasing way of passing to Paradise. It is all our humanity. But my time is up. Let me therefore say in conclusion, that an advanced humanity is the basis of this Society. The study of the human mind is the most intricate problem which the student of nature, the medical scientist and the student of law can jointly seek to solve. It will never be solved, but in the wake of our continued researches we will encounter principles that lift us higher in the scale of humanity, we will better and improve social morality and contribute toward a better realization of the mission we have on earth, trusting to a merciful and loving Providence for the chart that will be made known to us in the next world.

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REMARKS OF HENRY WOLLMAN, ESQ., COUNSELLOR ELECT.

With due solemnity I accept the important office of "Counsellor," to which you have elected me. Notwithstanding the fact that I am forced to confess that I have no conception of just what the duties of that office are, I am willing to admit that I am fully able to fill and perform them; I shall not put you to the proof in that behalf; I admit it.

I assume that the able and highly capable president (Mr. Bell), with the aid of the secretary, will conduct this society, and that the remainder of the officers will really be merely ornamental, and again I am willing to make an admission, for I admit, and I presume that the other officers join with me in that admission, that we are highly ornamental.

If it is a part of the duties of the counsellor to give counsel, then I would counsel you to discuss practical subjects in a practical businesslike way, so as to make this society a power and a force, the influence of which will be felt by real results wrought, and important reforms accomplished.

It is, of course, much pleasanter, in making a speech, to display the beauty of the flower and spread the fragrance of the rose than it is to get out a sledge hammer and strike hard blows—but the flower fades, the rose withers and the fragrance quickly dies away, and in this society we must do something real and substantial that will not vanish into space.

Until within a comparatively recent period, nobody was expected to make a speech, or was credited with the ability to make one, except the lawyers and the preachers,

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but that is changed now. The thing that strikes one in this society is that the physicians are just as good talkers as the lawyers. While oratory is said to be in its decline, yet genuine oratory is not. The most flowery and ornate speech should really have but one legitimate object, and that is to change sentiment and to crystalize it into action. The present day speakers consume less time, they put less fringes and lace on the garment, but they accomplish more that is substantial. While the sky rocket talker and the rainbow painting orator, have passed away, we find not only in this society, but in other of the present day societies, conducted by successful men and women, that not only lawyers and physicians, but nearly all educated laymen think logically on important subjects, and express their thoughts tersely, clearly and distinctly.

I hope that the number who take part in the active work of this society will increase steadily, and that our society will never be an aggregation of idealists and dreamers, but an organization of men and women of action, whose words will be the bugle call to battle for important reforms where wrongs are to be righted and changes are needed to be made.

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THE LAWYER AND THE DOCTOR.

MARY ELIZABETH LEASE, JANUARY 17, 1900.

Mr. President, Members of the Medico-Legal Society, Ladies and Gentlemen: Standing in the presence of men and women whose names are a part of the history of this imperial city, and whose deeds have been recognized by the leaders of public opinion as a decisive contribution to the progress of the race, I feel that for me to attempt even a brief address, would be a direct exemplification of the old saying that "Fools rush in where angels should fear to tread." Yet in the presence of this assemblage there is an inspiration to thought that is well-nigh irresistible.

The "Doctor and the Judge" are strangers, and yet not strangers. They are at once not only our nation's strength, our future's dream, and the hope of times unborn, but they are old and well-remembered friends. The doctor we remember for his pills; the lawyer for his bills. And we remember, too,—no, we do not remember, the poet tells us, and the poet in this instance was also an M. D.,—Dr. Oliver Wendell Holmes says:

> "When first we blinked in the sudden blaze,
> Of the daylight's blinding lurid rays,
> And gasped in the gaseous groggy air,
> Our friend the Doctor was waiting there."

From that time till this he has helped us stem the endless stream of gastric ills and peristaltic woes. To forget him would be ingratitude indeed; we may forget to pay the doctor's bills, or take the doctor's pills, but we can never forget the doctor.

Paid or unpaid, he deserts us not till the preacher and old Ecclesiastes raise their song of lamentation over "The loosened cord, and the broken bowl." The disciples of

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materia-medica, like stern warriors, battle bravely against a noiseless, viewless foe, whose breath is deadlier than shot or shell. Their victories, as well as a large per cent. of their victims, are bloodless. They have unrolled the storied gospel of the human body and restored Reason to her usurped throne. With Truth's cohorts they stride over the fields of human error, and by the light of Science catch the gleam of far-off summits to be won. Their law is the service of humanity: their motto is, "Our duty is to save." There are many points of similarity, as well as dissimilarity, between doctors and lawyers. Both very frequently belong to the old school of medicine in their loquacity, while both belong, at times, to the new school, the "Homeopathic," in their sagacity. On one essential point they differ: the lawyers never take what they give, and the doctors never give what they take. Our acquaintance with the lawyer begins somewhat later in life than our acquaintance with the doctor, but is none the less interesting on that account. He is closely woven in our memory with the foreclosure of mortgages, the transfer of stocks, the signing of bonds. Without his help we grope and stumble, for the fierce virus of ancestral sin runs riot in our blood, and passion and crime follow ever in the footsteps of man.

The Healer's brow must ever wear the nation's honors; but upon that pillar raised by martyr's hands, the pillar of Civilization, we must look to the lawyer to rekindle and keep brightly burning the flame of Justice.

The hand of medicine soothes the tired brain, restores the wasted body and baffles the encroachment of disease.

The hand of law upholds the nation, builds the scaffolding of man's integrity, and renders strong the structure of society. Combined they are stronger than the myriad swords of mighty armies. Upon their wise deliberations

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and profound utterances depends the upliftment of the race, and the solution of human problems. And we feel sure that—

> "Emblem and legend shall fade from the portal,
> Keystone and pillar may crumble and fall;
> But ye are the builders whose work is immortal,
> Crowned with the glory that never shall pall."

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MICROSCOPY.

REPORT OF MOSES C. WHITE, M. D., MICROSCOPIST,

OF NEW HAVEN, CONNECTICUT, DECEMBER 1899.

In reviewing the progress of microscopic research for medico-legal purposes, the past year, it is interesting to notice first improvements in the microscope itself. Although the microscopic objective, by the application of the Jena optical glass, has attained almost an ideal perfection for resolving fine lines and details of infinitely small objects when seen in the centre of the field of view, still the curvature of the field, want of flatness, remains about the same as it was at the great battle of the experts, Dr. Woodward and Dr. Treadwell, at the Hayden trial in New Haven, in 1879.

Blood corpuscles seen in the centre of the field are still seen more sharply defined than those in the border of the field, while those seen in the border of the field are larger, less distinctly defined, and the dark ring on the border is thicker, allowing less accurate measurement than corpuscles in the centre of the field. As yet opticians seem to regard this as an imperfection almost insurmountable. The same difficulty occurs in the use of the microscope to project images of small objects on the screen.

But during the last few months Spencer, of Buffalo, has constructed eyepieces for the microscope that considerably obviate this defect and flattens the field. For several years Zeiss, Leitz and Reichart have made compensation eyepieces which greatly improve the definition of the objective in the centre of the field. Zeiss has at length, during

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the past year, made other improvements in two new forms of eyepieces. Watson & Sons, of London, noting that the color correction and spherical aberration of no two objectives are exactly alike, has made from the Jena glass, by new formulae, a new eyepiece, adjustable to correct defects in different eyepieces. Certainly the new eyepiece gives a wonderfully clear and sharp definition and at the same time comes very near to giving a flat field and sharp definition in the centre and in the borders of the field at the same time.

During the past year also Reichert, of Vienna, has undertaken researches and experiments to greatly improve low power objectives after a plan introduced by the writer in his mammoth microscopic objective 20 millemeter focus with aperature 0.95 N. A., made at his order by Bausch & Lomb in July, 1898.

In a recent trial at Middletown, Conn., in the case of the State vs. Hough, for the murder of Chadwick in July last, the microscope furnished important evidence. A red stain on a stone, found at the scene of the homicide, was shown by the microscope to be covered with corpuscles in all respects similar to those of human blood, while mingled with the blood corpuscles were a few hairs like the hair on the murdered man. Both these discoveries, and the coincidences of the two, gave convincing evidence that the stone in question had been used to make certain scalp wounds on the head of the deceased.

Although Prof. Ewell, Medico-Legal Journal, Vol. X, page 201, has questioned the possibility of deciding that any hairs examined, or blood corpuscles recovered from a stain, are human, yet when blood corpuscles exactly like those of a man and hair similar to those of a man are found in the same stain it is hard to doubt that both are human. Thus, notwithstanding possible doubt in some cases, the

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value of the microscope in medico-legal cases is clearly demonstrated. The use of the microscope for the identification of crystals of arsenious acid, (white arsenic,) though not giving absolute proof, as shown in a recent case in New Jersey, continued to be used as an important aid in diagnosis in cases of poisoning. In the case of State of Connecticut vs. Mrs. Anderson, charged with the murder of her husband by administering rough on rats in coffee, where he died in twelve hours after taking the fatal dose, several hens died in the yard where he vomited. In the crop of one of these hens an octagonal crystal having all the appearance of arsenic was discovered and identified by the microscope; and chemical analysis confirmed the diagnosis given by the microscope. In the body, stomach, liver and kidneys of the murdered man arsenic was obtained by chemical analysis, and crystals obtained by Reinsch's test where shown by the microscope to have the octahedral form of arsenious acid. Thus the microscope, though not alone sufficient to prove the presence of arsenic, adds an important link to the chain of testimony which proves the presence of arsenic in case of poisoning.

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RHODE ISLAND.

EARLY JUDICIAL HISTORY.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

The royal patent, by an ordinance of the lords and commons in Parliament assembled on November 2, 1643, constituted Robert, Earl of Warwick, Governor-in-Chief and Lord High Admiral of Providence Plantations and the islands, and named a commission to aid the said Earl of Warwick, and the royal patent provided for the establishment of a government which covered the exercise of judicial powers for the colony.

A copy of this patent and the charter granted by King Charles II. to "Rhode Island and Providence Plantations," in 1663, were the basis of judicial power so far as it could be conferred by the English crown.

Vide Barnes' Charters and Constitutions, Vol. 2, pp. 1594–1595.

Arnold says: "Rhode Island was first settled in 1636, by Roger Williams and other immigrants, who had suffered persecution in Massachusetts and who established at Providence 'a pure democracy,' which for the first time guarded jealously the rights of conscience by ignoring any power in the body politic to interfere with those matters that alone concern man and his Maker."

In 1651, after the patent of 1643, and some years before the royal charter was obtained, the English government claimed the right to appoint a governor for Rhode Island and Providence Plantations, with a provincial council to be elected by the free-holders and accepted by himself.

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After the restoration an agent was sent to England who obtained the royal charter from Charles II.

The judicial powers of the colony was derived from this charter.

Notwithstanding the Revolution of 1776, and the action of Rhode Island in that struggle and her relations to the government of the United States, it is worthy of notice that there was no written constitution in the state of Rhode Island after she became a state until as late as 1842, when she first adopted a state constitution. This constitution was framed by a convention which met at Newport, September 12, 1842; adjourned to East Greenwich and completed its labors, November 5, 1842.

It was submitted to the people November 21–23, 1842, and ratified 7,032 votes in favor, and 59 against.

Rhode Island was the only state of the American Union which proceeded after the formation of the government of the United States without a written constitution.

Rhode Island passed a Declaration of Independence of its own May 4, 1876, two months before the greater Declaration of American Independence.

Rhode Island was governed after the American Revolution under an unwritten constitution. The theory of the government of Rhode Island was that "Sovereignty is and remains in the people."

The elementary principles that had been followed in Rhode Island under the charter of King Charles of 1663, had formed, with the principles of the English common law, an unwritten law akin to the common law of England in these American states, who had not changed the English common law by legislation, so that not only judicial but all powers in Rhode Island after 1776, were exercised under an unwritten constitution until 1842.

The courts under the unwritten constitution of Rhode

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Island held to this doctrine of the "Sovereignty of the people," and in the most famous Rhode Island case of *Trevett* v. *Weeden*, the Supreme Court of Rhode Island, by a judicial decision, set aside an act of the Legislature of the state as void and unconstitutional, in 1789, when Rhode Island had no written constitution and was governed by an unwritten constitution. The forms that had been engrafted into Rhode Island procedure under the charter of 1663, for more than a century of use, had become established, and after the charter was superseded by the American Revolution, its influence and policy were retained by the people of Rhode Island as a part of their unwritten constitution, under the powers that are vested in the people as the source of sovereignty.

The judiciary of Rhode Island was under the charter of 1663, to the American Revolution and after that under the unwritten constitution of the state until the constitution of 1842, was framed and adopted.

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NEW HAMPSHIRE.

EARLY JUDICIAL HISTORY.

BY CLARK BELL, ESQ., LL. D., OF NEW YORK CITY.

The grant made November 7, 1629, by the president and council of New England, to John Mason and the supplementary grant from the same to the same April 22, 1635, made what has been regarded as the authority of law for the settlements in New Hampshire.

These claims were based on the grants made by King James to the New England Company in the eighteenth year of his reign, on November 3d.

Before these grants were made to John Mason, several small grants of land, located within the present limits of the state of New Hampshire, had been made by the "Plymouth Company," in England, to different persons.

The settlements, however, sought the protection of Massachusetts, in 1641, and enjoyed it until 1675, when Robert Mason, a grandson of John Mason, obtained a royal decree under which, four years later, a colonial government with a president, a council, and house of burgesses were established. But no charter was given to the colony and its government was only continued during the king's pleasure.

The royal commission is dated as of 1680; it passed the final seal September 18, 1679, but did not go into effect until the next year.

The language of this commission as to judicial powers is "for ye president and council and their successors for ye time being to be *a constant and settled court of record*

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for ye administration of justice, all our subjects *inhabitating within the limits aforesaid* in all cases as well criminal as civil."

The first constitution of New Hampshire was framed by a convention or "congress," which assembled at Exeter, December 21, 1775, in accordance with a recommendation from the continental congress, and completed its labors January 5, 1776. This constitution was not submitted to the people.

The constitution of 1792, was passed by a convention which assembled at Concord, September 7, 1791, and completed its work September 8, 1792, the people meanwhile having ratified the constitution at the polls.

The amendments to the constitution of 1792, ratified in 1852, and in 1877, do not change the judicial powers or duties of the courts.

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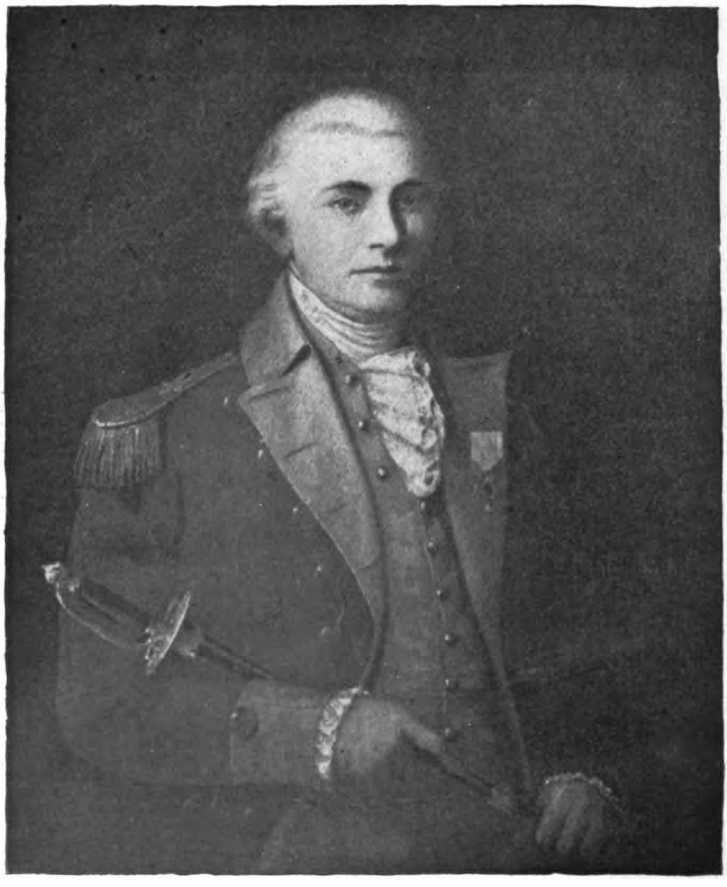

GEN. JAMES M. VARNUM,

1787-1798,

Supreme Court of the Territory of Ohio.

From advance sheets Supreme Court of the States and Provinces of North America.

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OHIO.

EARLY JUDICIAL HISTORY.

BY CLARK BELL, ESQ., LL. D., OF THE NEW YORK BAR.

All the territory now embraced in the state of Ohio was originally claimed by the state of Virginia, as a part of her territory under the province of Quebec before the Revolutionary War, composed of all the lands east of the Mississippi River, north of the Ohio River, and west of Pennsylvania.

The Legislature of Virginia, on December 20, 1783, passed an act authorizing its cession to the United States upon condition that it should be formed into states.

The states of Connecticut, Massachusetts, and New York had laid claim to jurisdiction over portions of this territory under the colonial charters, and these claims were also ceded to the United States.

The cession by Virginia was formally made March 1, 1784.

On July 13, 1787, Congress passed an ordinance providing for the government of the territory northwest of the Ohio River, and in 1788, the Virginia Legislature passed an act of ratification.

In 1789, Congress passed an act to provide for the government of the territory northwest of the Ohio River, and on May 7, 1800, Congress passed an act dividing the northwest territory into two separate governments, creating the territory of Indiana out of the western part of the northwest territory.

On February 3, 1809, Congress passed an act dividing

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Indiana territory, thus created, into two separate governments, and created the territory of Illinois out of the western part of the same, and established its capital at Kaskasia, on the Mississippi River.

On April 30, 1802, Congress passed an enabling act, providing for the people of the eastern portion of the territory of Indiana to form a state government, and for the admission of such state into the Union, on an equal footing with the other states.

On November 1, 1803, a Constitutional Convention was held at Chillicothe, which sat until November 29, 1863, and passed a state constitution, which was not submitted to the people for ratification, which provided for a judicial system for the state of Ohio.

On February 19, 1803, Congress passed an act recognizing the state of Ohio as one of the states of the American Union.

On May 6, 1850, a Constitutional Convention met in Columbus, adjourned July 7, 1850, to December 2nd, and completed its labors March 10, 1851.

This constitution was submitted to the people and ratified by vote of 126,663 in its favor, to 109,699 votes.

This written constitution created a supreme judicial power in the Supreme Court.

Under the territorial governments, prior to the state constitution, the acts provided for the administration of the law.

The following is a list of the judges of the Supreme Court of the state of Ohio, under the state constitution, and those who sat upon the supreme bench under the territorial government, prior to the admission of Ohio into the Union.

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EX-JUDGES SUPREME COURT OF OHIO.

HON. RUFUS P. SPALDING.
1848—1852.

HON. FRANKLIN J. DICKMAN.
1886—1896.

HON. JOHN MCLEAN.
1815—1818.

HON. ALLEN G. THURMAN.
1852—1856.

HON. RUFUS P. RANNEY.
1850—1856. 1862—1864.

From advance sheets Supreme Court of the States and Provinces of North America.

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LIST OF THE JUDGES OF THE SUPREME COURT OF OHIO.

TERRITORIAL JUDGES.

1787–1798.	James M. Varnum	1788–1798.	John Cleve Symmes
1787–1790.	Samuel H. Parsons	1790–1803.	Rufus Putnam
1787–.....	John Armstrong	1795–1799.	Joseph Gillman
1787–.....	William Barton	1798–1803.	Return Jonathan Meigs.
1788–1798.	George Turner		

STATE JUDGES, UNDER THE CONSTITUTION OF 1802.

1803–1808.	Samuel Huntington	1830–.....	Elijah Hayward
1803–1808.	Return Jonathan Meigs	1830–1831.	John M. Goodenow
1803–1809.	William Sprigg	1830–1831.	Gustavus Swan
1806–1810.	George Tod	1840–1831.	Henry Brush
1804–1810.	Daniel Symmes	1832–1846.	Reuben Wood
1809–1815.	Thomas Scott	1830–1835.	John C. Wright
1809–1810.	Thomas Morris	1829–1836.	Joshua Collett
1810–1815.	William W. Irwin	1830–1845.	Ebenezer Lane
1810–1818.	Ethan Allen Brown	1836–1844.	Frederick Grimke
1815–1830.	Calvin Pease	1842–1849.	Matthew Birchard
1816–1822.	John McLean	1842–1848.	Nathaniel C. Reed
1816–1821.	Jessup Nash Couch	1846–1851.	Edward Avery
1821–1826.	Jacob Burnet	1848–1851.	Rufus P. Spalding
1823–1829.	Charles R. Sherman	1849–1851.	William B. Caldwell
1819–1852.	Peter Hitchcock	1851–1856;	1862–1865. Rufus P. Ranney.

STATE JUDGES, UNDER CONSTITUTION OF 1851.

1852–1854.	William B. Caldwell	1872–1873.	William H. West
1852–1859.	Thomas W. Bartley	1873–1874.	William F. Stone
1852–1854.	John A. Corwin	1874–1877.	George Rex
1852–1856.	Allen G. Thurman	1875–1880.	William J. Gillmore
1851–1856;	1862–1865. Rufus P. Ranney	1877–1881.	W. W. Boynton
		1878–1885.	John W. Okey
1854–1855.	Robert B. Warden	1880–1886.	William W. Johnson
1854–1856	William Kennon	1881–1883.	Nicholas Longworth
1854–1859.	Joseph R. Swan	1883–	John H. Doyle
1856–1871.	Jacob Brinkerhoff	1883–.....	William H. Upson
1856–.....	Charles C. Convers	1883–1887.	Martin D Follett
1856–1858.	Ozias Bowen	1883–1889.	Selwyn N. Owen
1856–1872.	Josiah Scott	1885–....	Gibson Atherton
1858–1863.	Milton Sutliff	1885–.....	William T. Spear
1859–1864.	William V. Peck	1886–.....	Thaddeus A. Minshall
1859–1863.	William Y. Gholson	1886–1895.	Franklin J. Dickman
1863–1865.	Horace Wilder	1887–.....	Marshall J. Wi liams
1864–.....	Hocking H. Hunter	1889–1900.	Joseph P. Bradbury
1864–1883.	William White	1892–.....	Jacob F. Burket
1865–1875.	Luther Day	1894–.....	John A. Shauck
1865–1878.	John Welch	1900–.....	William Z. Davis.
1871-1886.	George W. McIlvaine		

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SUPREME COURT, FIRST COMMISSION.

1876–1879.

Josiah Scott,
Theo. D. Wright,
Henry C. Whitman,
Thomas Quinn Ashburn,
William W. Johnson,
Richard A. Harrison,
Luther Day.

SUPREME COURT, SECOND COMMISSION.

1883–1885.

Moses M. Granger,
Franklin J. Dickman,
John McCauley.
George K. Nash,
Charles D. Martin,

[NOTE.—In securing the data for the sketches and portraits of the judges of the Supreme Court of the state, especial thanks are due, besides the members of the present bench, and to Judge Conway W. Noble; to Ex-Judge Franklin J. Dickman; Ex-Judge Selwyn N. Owen; General Wager Swayne, of New York City; Col. Wm. A. Taylor, of Columbus; Edgar B. Kinkead, Esq., of the Columbus bar; Mr. Littleton, custodian of the Ohio Society of New York; J. A. Corwin, Esq., of Chicago; Judge Wm. R. Day, of Canton; Horace W. Fuller, Esq., editor of "The Green Bag"; P. Tecumseh Sherman, Esq., of New York City; George Brinkerhoff, Esq., of Mansfield; Hon. S. R. Harris, of Bucyrus; Edwin Gholson, Esq., of Cincinnati; E. B. Convers, Esq., of the bar of New York City; Judge Cox, of Glendall, Ohio; Josiah Morrow; Frank N. Beebe, Esq., Librarian State Law Library; E. O. Randall, Esq., Secretary State Historical Society of Ohio, and many others.

I am indebted to Mrs. Colgate Hoyt for the loan of a miniature of Judge C. H. Sherman, the father of General Sherman; to Mrs. Luther Day, for the portrait of her husband.

The Biographical Cyclopedia and Portrait Gallery of Ohio, by J. Fletcher Brennan, published in Cincinnati, in 1879, has been of great service, as has been the new work of Col. Wm. A. Taylor, of Columbus, Ohio, on the officers of that state.]

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To Railway Surgeons and Railway Counsel:

We take occasion to advise you to unite with the Section of Medico-Legal Surgery, which can now be done by an annual subscription of $1.50, entitling each member to the *Medico-Legal Journal* free.

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Members of the Section on Medico-Legal Surgery, who have not remitted their annual subscription to the Section, will please send same to Judge Wm. H. Francis, No. 39 Broadway, N. Y., and members will please not confound the Section Dues with the Annual Dues of the Society, which should be remitted to Clark Bell, Esq., Treasurer, 39 Broadway, New York City. Members of the Society or Section will please propose names for membership in this Section.

It is proposed that members of the Society and Section each donate one bound volume annually to the Library of the Medico-Legal Society, by action of the Executive Committee.

The following new members of the Section are announced: Surgeon J. L. Eddy, M. D., President N. Y. State Asso. Ry. Surgeons, Olean, N. Y.; Surgeon C. B. Herrick, M. D., Secy, N. Y. State Asso. Ry. Surgeons, Troy, N. Y.; P. T. Labadie, M. D., 149 East 56th Street, N. Y. City; R. C. Richards, Gen'l Claim Agt., Chic. & N. W. R. R., Chicago, Ill.

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SECTION OF MEDICO-LEGAL SURGERY—MEDICO-LEGAL SOCIETY.

ANNUAL REPORT—JANUARY 1, 1900.

TO THE FELLOWS OF THE SECTION OF MEDICO LEGAL SURGERY AND OF THE MEDICO-LEGAL SOCIETY:

The domain and province of the Section is defined by the following standing resolution:

Resolved, That all questions in medico-legal surgery are to be deemed within the scope and province of the Section on Railway Surgery, including, especially, military and naval surgery, and the broad domain of surgery in its relation to medical jurisprudence.

The Section is intended to embrace, besides naval, military, and railway surgeons and counsel railway managers, railway officials, whether lawyers or surgeons; many of whom have already united with the body, and who are eligible to membership under the statutes of the Society.

Three members of the Executive Committee constitute a quorum, and five of the Borad of Officers of the Section.

The work of the Section during the preceding year has been devoted to the advancement of the science of the medical jurisprudence of surgery in all of its branches. The papers contributed upon these branches of science have been in part published in the Medico-Legal Journal, which is the official organ of the Section.

The following is a *resume* of the work of the Section during the year:

"Physicians—Expert Witnesses: Some Reforms." By Henry Wellman, Esq., Counsellor at Law, New York.

"Theory of Contact Shots." By W. B. Chisholm, Esq., of Auburn, N. Y.

"May an Unlicensed Physician Testify as a Medical Expert?" By the Editor.

"The Limit of Fees in New York to Assigned Counsel in Criminal Cases." By the Editor.

"Medico-Legal Surgery at the Paris International Congress." By the Editor.

"International Association of Railway Surgeons." (1899.)

"Hospital for Army Consumptives."

"Gun Shot Wounds of the Abdomen."

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"Section of Railway Surgery.—Transactions of Joint Meeting with Medico-Legal Society." Page 301 Medico-Legal Journal.

"Special Committee on Railway Surgery Auxiliary to the Paris International Medical Congress of 1900 Announcement." Page 302 ib.

"The Physical Fitness of the Railway Employee from the Oculist's and Aurist's Standpoint." By Joseph A. White, A. M., M. D., of Richmond, Va.

"A Few Suggestions in Railway Surgery." By Albert Bach, Esq., of New York.

"Physical Fitness of Railway Employees." By R. C. Richards, Esq., General Claim Agent of the Chicago & Northwestern Railway Company.

"The Progress of Hygiene and Sanitation in all Matters Relating to Railroads." By Granville P. Conn, M. D., of Concord, N. H., Division Superintendent of the Boston & Maine Railroad.

"Physical Examination of Railway Employees from a Medico-Legal Standpoint." By L. L. Gilbert, Esq., Assistant Counsel of the Pennsylvania Railroad, Western Division, Pittsburgh, Pa.

Discussion of these papers by Dr. C. B. Herrick, of Troy, N. Y.; Henry Wollman,, Esq., of the New York Bar; Clark Bell, Esq., of the New York Bar; Dr. J. Mount Bleyer, of New York; Dr. Carleton Simon, of New York; Dr. George Chaffee, of Brooklyn, N. Y.

Transacions of the New York State Association of Railway Surgeons, with Discussion.

The following officers are recommended for re-election for 1900:

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Surgeon De Sassure Ford, M. D., of Augusta, Ga.
Surgeon A. L. Fulton, M. D., Kansas City, Mo.
Chief Surgeon J. H. Ford, M. D., C. W. & M. Railway, Wabash, Ind.
Surgeon S. L. M. Foote, M. D., Argentine, Kansas.
Col. D. D. Fowler, M. D., Lamkin, Texas.
Sur. William Govan, M. D., of Stony Point, N. Y.
Maj. A. C. Girard, M. D., San Francisco, Cal.
Surgeon G. Graves, M. D. Herkimer, New York.
Prof. A. P. Grinnel, M. D., Burlington, Vt.
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Surgeon W. N. Garrett, M. D., Forney, Texas.
Hon. William C. Howell, of Keokuk, Iowa.
Surgeon G. P. Howard, M. D., of Texas.
Surgeon R. S. Harnden, M. D., of Waverly, N. Y.
Surgeon J. N. Hall, M. D., of Denver, Col.
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Surgeon M. B. Hubbs, M. D., Addison, N. Y.
Surgeon John E. Hannon, Jasper, Fla.
Surgeon N. deV. Howard, M. D., Sanford, Fla.
Surgeon John H. Hurt, M. D., Big Springs, Texas.
Surgeon C. B. Herrick, M. D., Scy. N. Y. State Ass. Ry. Surgeons, Troy, N. Y.
Surgeon L. C. Hicks, M. D., Burlington, Wis.
Surgeon F. S. Hartman, M. D., 5 Blue Island avenue, Chicago, Ill.
Surgeon R. P. Islan, M. D., Ocala, Fla.
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Dr. H. Johnson, Surg. at Hospital, Grandin, Mo.
W. J. Kelly, Esq., of New York.
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Sur. A. P. Knapp, M. P. Railway, Leoti, Kansas.
Surgeon R. E. L. Kincaid, Bonham, Texas.
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Surgeon A. A. McLeod, M. D., of Michigan.
Surgeon J. B. Murphy, M. D., of Chicago, Ill.
Surgeon William B. Morrow, N. Y. O. & W. R. R., Walton, Delaware Co., N. Y.
Surgeon W. H. Monday, Terrell, Texas.
Surgeons McCloud and Hodges, High Spring, Fla.
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Surgeon Samuel D. Smoke, M. D., Fort White, Fla.
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Surgeon J. R. West, M. D., Richmond, Ind.
Nelson W. Wilson, M. D., 53 7th St., Buffalo, N. Y.
Judge Allen Zollars, Solicitor P. R. R., Fort Wayne, Ind.

Respectfully submitted,

CLARK BELL, Chairman and Sec'y.

NOTE.—The officers recommended by the Committee, were duly elected by the Medico-Legal Society at January Meeting, 1900.

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PSYCHOLOGICAL.

This Department is conducted with the following Associate Editors:

Judge Abram H. Dailey, Brooklyn, N. Y.	R. J. Nunn, M. D., Savannah, Ga.
Prof. A. A. D'Ancona, San Francisco, Cal.	A. E. Osborne, M. D., Cal.
H. S. Drayton, M. D., N. Y.	Jas. T. Searcey, M. D., Tuscaloosa, Ala.
M. Ellinger, Esq., N. Y. City.	U. O. B. Wingate, M. D., Milwaukee, Wis.
Dr. Havelock Ellis, London.	Prof. W. Xavier Sudduth, Chicago, Ill.
Thomson Jay Hudson, Esq., Wash., D. C.	Wm. Lee Howard, M. D., Baltimore, Md.

as the organ of the Psychological Section.

The Psychological Section of the Medico-Legal Society has been organized, to which any member, Active, Corresponding or Honorary, is eligible on payment of an annual enrollment fee or dues of $1.50.

Any student of Psychological Science is eligible to unite with the Section without joining the Medico-Legal Society on an annual subscription of $1.50, payable in advance and receive the MEDICO-LEGAL JOURNAL free. The officers for 1900 are as follows:

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PROF. W. XAVIER SUDDUTH, OF CHICAGO, ILL.

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Harold Browett, Esq., Shanghai, China.	F. E. Daniel, M. D., of Austin, Texas.
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PSYCHOLOGICAL SECTION OF THE MEDICO-LEGAL SOCIETY.

ANNUAL REPORT, JANUARY 1, 1900.

TO THE FELLOWS OF THE PSYCHOLOGICAL SECTION AND OF THE MEDICO-LEGAL SOCIETY.

The following subjects are within the Domain of Studies pursued by the Section:

1. The Medical Jurisprudence of Insanity.
2. Inebriety, Heredity and Sociology.
3. Criminality and Criminal Anthropology.
4. Mental Suggestion, and especially of Physicians as to Clinical Suggestion and Therapeutic Hypnosis.
5. Experimental Psychology.
7. Clairvoyance.
8. Facts within the Domain of Physical Research, including investigation into so-called Modern Spiritualism.

The work of the Section for the year, since the last Annual Report, may be summarized as follows:

The following papers, addresses and articles have been contributed to the Section during the year 1899:

"Instant Death by Decapitation an Impossibility According to Biological Analysis." By J. Mount Bleyer, M. D., of New York.

"Resolutions on Memorial to the English Home Secretary on Case of Florence E. Maybrick." By Clark Bell, Esq., of New York.

"Resolutions on Insanity and Crime." By Rev. Phoebe A. Hanaford, of New York.

"Resolutions as to Sex in the Commission of Crime." By the Executive Committee of the Society.

"Sex in Punishment for Crime." By Clark Bell, Esq., of New York.

"Annual Report of Psychological Section for 1898." By the Vice Chairman of Section.

"The Criminal Treatment of the Insane." By W. H. S. Monck, Esq., of the Dublin Bar.

"Double Personality." By Wm. Lee Howard, M. D., of Baltimore, Md.

"The American Government and People and the English Home Secretary." By Clark Bell, Esq., LL.D., of New York.

"Anti-Vaccination in England." By the Editor.

"The Case of Mrs. Place and Governor Roosevelt." By Clark Bell, LL.D., of New York.

"Counsel for Hospitals for the Insane." By the Editor.

"How far may Overpressure in Education be Considered as a

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Factor in Degeneration of Nerve Tissues." By Sophia McClelland, of New York.

"Corporal Punishment for Crime." By Judge Simeon E. Baldwin, of the Supreme Court of Connecticut.

"The Same Subject." By Clark Bell, LL.D., of New York.

"Views of Same Subject." By Chief Justice Charles B. Lore, of Delaware; Chancellor John R. Nicholson, of Delaware; Judge J. G. Grubb, Supreme Court of Delaware; John Nolan, Chief of Police of Wilmington, Delaware; Commissioner Edward Fowler, of Laurel, Delaware; Samuel R. Davies, Esq., of Richmond, Va.; Jno. G. Shortell, of Chicago, Ill.; Z. R. Brockway, Esq., of Elmira Reformatory, N. Y.; Frank Moss, Esq., Ex-Superintendent Police, New York; Judge Clarence S. Meade, of New York; Hon. Wm. P. Letchworth, of New York; Dr. M. R. Leverson, of New York; John G. Williams, of Maryland; George R. Gaither, Jr., of Baltimore, Md.

"The Whipping Post for Wife Beaters." By Rev. Phoebe A. Hanaford, of New York.

"Corporal Punishment for Crime." By Rev. Antoinette Brown Blackwell, of New York.

"Preliminary Report Maybrick Memorial Committee."

"Rights of American Girls who Marry Foreigners." By Clark Bell, LL.D.

"The Citizenship of Mrs. Maybrick." By Clark Bell, LL.D.

"The Case of Dreyfus." By the Editor.

"Christian Science and the Law." By Hon. Moritz Ellinger.

Same Subject by Howard Ellis, Esq., Carol Norton, C. S. D., of New York, John Carrol Lathrop, C. S. B., and H. Gerald Chapin, Esq.

"Pharaphasia." By Hart Vance, Esq.

Report of Committee of Delegates to the Seventh International Congress on the Abuse of Alcoholic Drinks." By Chas. H. Shepard, M. D.

"The Criminal Appearance." By Clark Bell, LL.D.

"Criminal Lunatics in England." By Sir Matthew White Ridley.

"The American Auxiliary Committee to the Section of Medical Jurisprudence," of the Paris International Medical Congress of 1900.

"The Prison System of England and America Contrasted."

"The Case of Dreyfus." By Clark Bell, LL.D.

"The Life and Death of Col. Robert Ingersoll." By the Editor.

"A Psychological Study of Jurors." By T. D. Crothers, M. D., of Hartford, Conn.

"Premature Burial." By E. Camia, Esq., of Paris; H. G. Garrigues, M. D., of N. Y.; Clark Bell, Esq., of N. Y.; H. Gerald Chapin, Esq., of N. Y.; Dr. Carleton Simon, of N. Y.; Henry Morrison, Esq., of N. Y.

The Officers of the Section recommended for re-election for 1900 are as follows:

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PROF. W. XAVIER SUDDUTH, OF CHICAGO, ILL.

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C. Van D. Chenoweth, Worcester, Mass.
Judge Abram H. Dailey, of Brooklyn.
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Thomson Jay Hudson, Esq., Wash'n, D. C.
Sophia McClelland, of New York.
Mrs. Jacob F. Miller, of New York.

Vice-Chairmen.
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James R. Cocke, M. D., of Boston, Mass.
T. D. Crothers, M. D., of Hartford, Conn.
F. E. Daniel, M. D., of Austin, Texas.
H. S. Drayton, M. D., of New York.
Wm. Lee Howard, M. D., of Baltimore, Md.
Henry Hulst, M. D., Grand Rapids, Mich.
Prof. Thomas Bassett Keyes, of Chicago.
R. J. Nunn, M. D., of Savannah, Ga.
A. E. Osborne, M. D., of Glen Ellen, Cal.
Jas. T. Searcy, M. D., of Tuscaloosa, Ala.
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Mrs. Mary Louise Thomas, of New York.

Secretary and Treasurer,
CLARK BELL, Esq., of New York.

Executive Committee.
CLARK BELL, Esq., Chairman.
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M. Ellinger, Esq. — Judge A. H. Dailey. — Geo. W. Grover, M. D.
Carleton Simon, M. D. — Ida Trafford Bell. — H. W. Mitchell, M. D.

The Standing Committees recommended for 1900 are as follows:

TELEPATHY, MODERN SPIRITUALISM, &C.—Judge Abram H. Dailey, Brooklyn, N. Y., Chairman; Thomson Jay Hudson, Esq., Washington, D. C.; Sophia McClelland, New York; R. J. Nunn, M. D., of Savannah, Ga.; C. Van D. Chenoweth, Shrewsbury, Mass.; Ursula N. Gesterfield, of Chicago, Ill.

EXPERIMENTAL PSYCHOLOGY AND PSYCHICAL RESEARCH.—Prof. W. Xavier Sudduth, of Chicago, Chairman; Geo. W. Grover, M. D., Sheffield, Mass.; Prof. Harlow Gale, of Minneapolis, Minn.; Prof. E. T. Eskridge, M. D., of Denver, Col.; Judge Abram H. Dailey, of Brooklyn, N. Y.; Mr. Clark Bell, of New York City; Mr. Albert Bach, of New York City; J. Mount Bleyer, M. D., of N. Y. City.

MORBID PSYCHOLOGY.—William Lee Howard, M. D., Baltimore, Md.; T. D. Crothers, M. D., Hartford, Conn.; Prof. C. H. Hughes, of St. Louis, Mo.; Carleton Simon, M. D., of N. Y.; E. Sanger Browne, M. D., Chicago, Illinois.

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PSYCHO-THERAPEUTICS.—Prof. A. A. d'Ancona, Chairman, San Francisco, Cal.; Henry S. Drayton, M. D., N. Y. City; Rose de Vaux Royer, Sackville, N. B.

The Woman's Committee of the Section is composed as follows:

COMMITTEE OF WOMEN.—Caroline J. Taylor, Chairman; M. Louise Thomas, C. Van D. Chenoweth, Rosalie Dailey, The Countess Bettini di Moise, Sophia McClelland, Ida Trafford Bell, Rev. Antoinette Browne Blackwell, Laura A. C. Miller, Rev. Phebe A. Hanaford, Florence Dangerfield Potter.

Every member of the Society is eligible to membership in the Section, as also the wives of members of the Society.

The annual Dues of the Section are $1.50, entitling the members to the Medico-Legal Journal free.

The Section is open to all Stulents of Psychological Science.

There have been three deaths during the year:

Wallace C. Andrews, whose terrible death by fire with every member of his family all will recall; Dr. S. B. W. McLeod, M. D.,

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ex-President of the Medico-Legal Society, and Prof. Elliott Coues, of Washington, former chairman of this Section.

Three members have resigned and four names stricken from the rolls for non-payment of dues.

The following is the Roll of members of the Section:

ROLL OF MEMBERS—PSYCHOLOGICAL SECTION, MEDICO-LEGAL SOCIETY.

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Mary Randal Downs, Danbury, Conn.
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Mrs. Dr. O. E. Houghton, 126 South Oxford St., Brooklyn, N.Y.
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The Countess Bettini di Moise, 42 West 25th St., New York City.
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Mrs. Sophia McClelland, Westchester, N. Y.
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Wilson McDonald, Esq., Sculptor, 729 6th Ave., New York City.
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Mrs. Mary Moore, 149 E. 31st Street, New York.
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Florence Dangerfield Potter, Attorney-at-Law, 137 Broadway, New York City.
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Prof. Nina Rodrigues, M. D., President Medico-Legal Society, Bahia, Brazil.
Irving Rosse, M. D., Washington, D C.
Hon. Henry Robinson, Concord, N. H.
Rose de Vaux Royer, Sackville, N. B.
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Mrs. A. B. Stryker, Topeka, Kansas.
James T. Searcey, M. D., Tuscaloosa, Ala.

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Mrs. M. Louise Thomas, 680 Lexington Avenue, N. Y. City.
Mrs. Louise Tuttle, 17 West 89th Street, New York City.
Chas. Teubner, 3267 21st Street, San Francisco, Cal.
Judge John A. Vance, Gouveneur, N. Y.
Mrs. Pauline Valentine, Hotel Balmoral, New York City.
Washington S. Valentine, Esq., Produce Exchange, N. Y. City.
M. Nelson Volding, M. D., Des Moines, Iowa.
U. O. B. Wingate, M. D., Milwaukee, Wis.
A. B. Whitney, 148 West 77th Street, New York City.
Dr. Forbes Winslow, 33 Devonshire St., Portland Place, London.
A Leonora White, M. D., 151 W. 46th Street, New York City.
Harry Wellington Wack, Esq., Press Club, New York City.
Mrs. J. Gould Weld, Hotel Normandie, Paris, France.
Dr. J. K. Yarnell, 3029 P Street, Washington, D. C.
Simon A. White, Esq., 151 W. 46 Street, New York City.

January 1, 1899. Respectfully submitted,

CLARK BELL,

Vice-Chairman and Secretary.

NOTE:—The officers recommended by the report were duly elected by the Executive Committee at January meeting, 1900.

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ADDRESS OF WELCOME.

BY CLARK BELL, ESQ., LL. D., PRESIDENT OF THE MEDICO-LEGAL SOCIETY.

Fellows and Delegates to the American Congress of Tuberculosis:

This is a subject which is attracting national and I may say international, attention. The ravages of tuberculosis has attraced the attention of the medical profession throughout the world. In England, not long since, a movement in aid of ameliorating the condition of those who suffer, and of ascertaining what was the best means of affording a remedy; was presided over by his Royal Highness, the Prince of Wales, and resulted in the inauguration of a movement for the establishment of a hospital for consumptives in the City of London. It has arrested the attention of medical men and scientists in Germany. It has aroused deep interest in the breast of King Oscar of Sweden, and it is probably the uppermost question among medical men in the United States at this moment. Two journals in this country are devoted to it specially, or admost specially, and I am glad to see presenthere this eveing the representative of the leading journal on tuberculosis in the United States, whose senior editor has contributed some of the ablest papers which will be presented to the Congress at its session tomorrow.

It is therefore a source of just pleasure and pride to the Medico-Legal Society, that it can be the medium, and the means, by which the students of the science of the proper treatment of tuberculosis, and the many problems connected with it, can, if possible, unify and crystallize and put into some concrete form and shape, the results of the labors of that army of workers in the medical profession who are now investigating and studying this subject, as it has never before been studied in the United States.

We feel that this is but an initial movement. We feel the *raison d'etre* of this cause will be the introduction of the subject for discussion.

[Before the members of the American Congress of Tuberculosis, in joint session with the Medico-Legal Society, February 2, 1900.]

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The Assistant Surgeon General, having charge of the marine hospital at Washington, Assistant Surgeon General Wyman, has written us of the Committee, expressing the great and deep interest he has felt in it, and he has detailed one of the most brilliant men of his staff to come here to attend this Congress, and you will hear from him at tomorrow's session as he is present and announced for a paper.

It is therefore with great pride and pleasure that the Medico-Legal Society, which has always devoted itself to the advancement of every department of Forensic Medicine and ever in the interest of true science, can be said to have been the proper medium, by which the views of all the thinkers in the great West, on the Atlantic Coast, in the South, and throughout the Union generally, may contribute their best judgment and their best facts and experience upon subjects, about which the medical profession is now very widely divided in many respects, with a view of bringing them to a proper and scientific investigation of the problems connected with this subject.

The Medico-Legal features, of such a discussion as is here opened to the Students of Tuberculosis, are of the greatest moment, to the human race.

Laymen, jurists and legislators are deeply anxious and solicitous for a scientific, conclusive settlement, and determination, by scientific men of skill, learning and ability; not only the series of questions which were formulated and promulgated by the Committee, but for light as to what is to be the proper relation of the State by Legislation, to the whole subject.

There may be and probably is today, a nearer approach to unanimity in the medical profession on certain questions, on which lawyers and legislators need light and scientific advice.

For the past half century the Medical Faculty has pronounced Tuberculosis as incurable.

Although since our boyhood we have heard the Syren Song of "the retired clergyman whose sands of life had nearly run out;" we have been told, to at once set down as a quack, anyone who offered a specific for the cure of Tuberculosis.

We have however lately heard louder whispers of marvellous cures, and an ambitious young physician in our own city, has openly announced himself as capable of curing the disease with utter disregard of the anathemas of the faculty of medicine here. He has used the discovery of a Frenchman

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with considerable success, as is claimed by his friends; and other medical men in this city and in the nation, are claiming that Tuberculosis is now under absolute medical control.

The legal profession desire to have the answer to the question of whether this disease can be cured,—not only—but whether there has been in fact, any anti-toxin serum for Tuberculosis yet found?

Is it now an established fact in science, that the bacterial toxin of Tuberculosis, is now discovered, located and so defined, as to be beyond doubt of question?

The mission of this Congress regarded from my own standpoint, is and will be to open the discussion and lend impetus, and zeal to the efforts made by the students of the science in this interesting domain of human endeavor.

It gives me peculiar pleasure to introduce Dr. A. N. Bell as the presiding officer of this Congress, who will sit with me, occupying the chair during this meeting. Dr. Bell has all his life been devoted to this particular branch of science. It has been my good fortune to have known him for the past quarter of a century. I have been identified very largely with the labor which he has been engaged in, because he has investigated other subjects besides sanitary science, and has won the distinction by his labors in this city and in this nation, which your committee appreciates by placing him in the Presidency of this Congress.

I transfer the presiding chair at this moment to Dr. A. N. Bell. Before doing so, however, I must say, that I had arranged to have an address made here at this moment, before I left the chair, by Governor Hogg, of Texas, who is here in this city, and who promised me to-day to come and make that address. He has been suffering two or three days with an illness and Mr. M. A. Kopperl, of the bar of Texas, who is also present as a delegate to the Congress, has been with him this evening, and he reports to me that the Governor is so ill that he will be unable to come, as it might seriously injure his health to do so. He is confined to his bed with an attack which threatens to be pneumonia, so he will be obliged to forego the pleasure of his presence.

I will say in addition that I invited President Murphy of the Board of Health to come here and make the opening address. President Murphy is not well. He is an invalid, and he replied to me that he was not able to come, but that he

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would designate a member of his staff to represent him, Dr. Wm. T. Jenkins, who accepted the invitation, and it was understood yesterday that he was to come; he agreed to come, but I received a letter this afternoon explaining why it was impossible for him to get here, so that the address which was to be given by Governor Hogg and also the one to be given by Commissioner Jenkins will have to be omitted.

Before I leave the Chair, I will ask the Secretary of this Society, Mr. H. Gerald Chapin, of the bar of New York, to say a few words of welcome to the Congress which is about to begin before the chairman take his seat.

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ADDRESS OF WELCOME.

BY H. GERALD CHAPIN, ESQ., LL. D.

Members of the American Congress on Tuberculosis, Members of the Medico-Legal Society:—I fear that any more address of welcome on my part would be largely a work of supererogation after the hearty words of our honored President. Mr. Bell.

The measure of value placed by mankind upon human achievement often seems passing strange. The name of the soldier who executed a heroic though foolish charge against Russian batteries in the war of the Crimea is emblazoned on the roll of fame though but few outside of the medical profession revere the name of heroic Dr. Morton, who struggling through poverty and r(everses sufficient, we might almost say, to conquer the most dauntless, fir.ally succeeded in introducing chloroform as an anaesthetic. What achievement in the history of the world has done more for the liberty of mankind than did the acquittal of the seven bishops by which the free right of petition was established, and yet in order to ascertain the names of our brother advocates who so manfully stood forth and defied the power of the Stuarts, we must turn to our histories for an answer.

As President Clark Bell has just stated, it is questionable whether any subject is of more importance at the present day than is the subject of tuberculosis. Other diseases sweep off their thousands, tuberculosis its tens of thousands. The man whc will promote legislation for—who will discover a means of checking the malady will prove greater, aye a thousand times greater than he who perchance has rushed to the attack and crash of bursting shell.

Alas, we do very little after all, towards the advancement of science. Our individual achievements are as the grain of sand on the seashore, as a drop of water in the ocean, and yet if before we finally lay aside our hopes and fears, our joys and

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sorrows, we have added but the one grain, the single drop, we shall not have lived in vain.

I feel that it is of no use to expatiate at length upon our pleasure in your presence, for a welcome loses all its significance if we attempt to measure its length and breadth, its width and thickness, and true sympathy may oft lose itself among the mazes of rhetoric. My only desire is that you may appreciate the fact that I utter the sentiments of every member of the Medico-Legal Society when I simply say that we are glad that y'ou are with us tonight. (Applause).

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OPENING ADDRESS.

DR. A. N. BELL, PRESIDENT OF THE AMERICAN CONGRESS OF TUBERCULOSIS.

Ladies and Gentlemen; Members and Guests of this Congress:—My inspiration for the few remarks I have to make at this opening is the first subject on the programme, and for it I must pay tribute to the honored gentleman who has so long labored in this sphere. I highly appreciate his kindly reference to my devotion to preventive medicine, and I am glad of the opportunity to give expression to the pleasure I have taken in his co-operation for the last quarter of a century.

The particular and most neglected element in the progress that has been made for the prevention of tuberculosis, to which I have referred as the first subject on the programme, is food. Indeed it has been my privilege for more than two quarters of a century to have taken note of, to have studied the conditions and to have participated to some extent in the effort to prevent tuberculosis.

But it hardly need to be remarked in this presence, that fifty years ago the medical profession was all at sea with regard to the causation and prevention of tuberculosis. The nature of the disease at that time was to physicians as to every body else an inscrutable mystery, and its prevalence was thought to be beyond human control. Nevertheless, it soon became manifest to those engaged in the work of sanitary reform, begun in England but a few years before, that the greatest prevalence of tuberculosis was among the occupants of stifling rookeries in filthy and overcrowded districts. As these were swept away, the soil cleansed, air and light admitted, and the whilom tenants supplied with improved dwellings and more food—though with little regard to its nature—the reduction of mortality from tuberculosis was great enough to mislead the earlier sanitary reformers into the belief that tuberculosis was like some other diseases against which they

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contended; dependent upon filthy surroundings, a stifling atmosphere and insufficient food,and they encouraged this belief with such energy as was not displayed anywhere else in the world; insomuch as to show the great value of cleanliness in the reduction of the mortality from it in England,began thirty years before Koch's discovery of the tubercle bacillus and was increasingly gaining ground at the time of that discovery. Official statistics of the period show that beginning with the first five years of complete registration, 1850-54, the mortality from consumption in England and Wales was 2811 per 1,000,000 of the living population per annum; 1864-68 it ranged from 2602 to 2336 per 1,000,000 per annum. 1882-1888, the first seven years from the time of Koch's discovery, but before the preventive measures which it suggested were much practiced, the death rates from consumption ranged from 1752 to 1541 per 1,000,000 of living population per annum. Beyond question this great reduction was almost wholly due to domiciliary improvements, the regulation of factory employments, school house sanitation, provision for outdoor occupations and exercises, and general cleanliness, These measures have been continued and considerably elaborated during recent years, plus the instituion and practice of new measures and methods suggested by Koch's immortal discovery, most of all by the establishment of special hospitals and sanitariums for the better care and treatment of the disease and the disinfection of premises and things used by consumptives.

According to the latest returns accessible by hurried reference, an hour before this meeting, the death rate from consumption in England and Wales for 1892-93 was 1468 per 1,000,000 of population per annum,a reduction of about 47 per cent. during the last fifty years.

This progress is the more interesting and encouraging because it has been accomplished under home conditions. Every observer knows that mountain and sea air is much freer from all kinds of organisms than the air of populous cities, or plains at sea level. That such air is beneficial to consumptives is probably no more true than that is to other invalids; and commendable, barring the questionable nature of the soil, weather and dust exposure and house drainage in the one case; capacity of the sleeping quarters, means of ventilation, liabilty to emanations from bilge water in the other.

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It is far from my purpose, however, to disparage such resorts. On the contrary, I deem them highly beneficial in many cases, if chosen with due regard to the conditions suggested; but chiefly with reference to the treatment of tuberculosis, which is not the subject of these remarks. The purpose of this reference is to emphasize the universality of tuberculosis, rather tubercle bacilli.

The number of localities referred to in the history of tuberculosis, throughout the world, said to be exempt from it, is so small as to justify the conclusion that no place inhabitable by man is exempt, that tubercle bacilli are universally distributed. They are proportionally active with the density of population, the prevalence of conditions favorable to their reception and tolerance, and deficient power of resistance. The accessory conditions are for the most part implied in what I have already said about foul soil, foul air, poor diet, etc.

Some writers are wont to refer to Iceland and some other Arctic and sub-arctic regions, whose inhabitants rarely or never have consumption, though they commonly sleep in stifling huts, reeking with offensive emanations and are but raely or never cleaned. Moreover, the denizens of such huts at night, habitually expose themselves in the daytime to the worst possible conditions of weather. Their exemption from tuberculosis is commonly attributed to the extreme cold of such regions, and the erroneous inference drawn that outdoor exposure in frigid climates is commendable for consumptives.

The food of these exempt communities is almost wholly of an animal character, the fattest portions and "toodnoo," a kind of butter made of the separated fat of reindeer, of which they eat enormous amounts.

Moreover, besides their power of resistance to the tubercle bacillus, the Esquimaux and other inhabitants of the arctic regions who live on such food,are possessed of gigantic muscular powers. They are able to lift and carry burdens twice as heavy as those which the seaman visiting them are able to carry.

In similar regions where the inhabitants or immigrants do not so live, tuberculosis is no less, indeed, among some of them it is much more rife than it is among communities in temperate latitudes.

The exemption from tuberculosis in such circumstances is, in my judgment, properly attributable to the potentiality of the

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fatty food. My conclusion in this regard is fortified by many years observation of the liability to consumption of peoples collectively, families and individuals, more or less proportional to their abstinence from fatty foods. The most prominent example of whom, I have never lost sight of from youth up—the negro race in America.

I began my professional life among them when they were slaves and were always supplied with an abundance of "hog and hominy," not by any means restricted to these articles, but pork or bacon was a standing portion of at least one daily meal. Consumption among them was relatively rare.

My observation in this respect was not singular but in accord with all other medical observers of the time of whom I have knowledge. Conversely, it seems hardly necessary to invite attention—so common is the prevalence of consumption among the same people now under their changed conditions with regard to diet. "Hog" at least, is notable by its absence from the daily fare of most of them and no other fat meat has taken its place; and consumption among them is more than twice as great.

The same observation extends to smaller communities, families and individuals. Consumption is most prevalent among those who are stinted or who stint themselves of "bacon" and "butter." I mention these as ideal and the most digestible of fat foods; others are commendable.

Whole volumes and many essays have been published on food for consumptives, but nothing of consequence on food prevention of consumption.

My purpose in the citations I have made is to intensify attention to food in its preventative aspect. Everybody has learned, when it is unfortunately, in most cases, too late, that cod liver oil is good for consumptives, but few seem to have learned that food of the same character as cod liver oil, suitable for the table is preventive of consumption.

In the whole course of my professional observation, now covering a period of nearly sixty years, I have never known a family or an individual that was brought up on a liberal supply of butter and bacon that became tubeculous. Moreover, such food fortifies the system against other diseases as well as consumption. But this is no occasion for other subjects.

I hope that the subject I have introduced may be taken up and elaborated by members of this Congress,and that it may be my privilege to read and know more about it. (Applause.)

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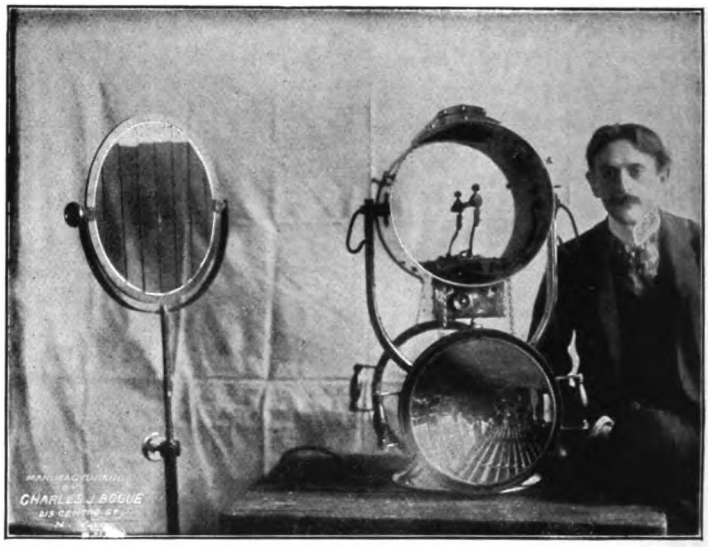

FIG. I. 50,000 candle power Search Light and Screen, showing the Arc and Parabolic Mirror.

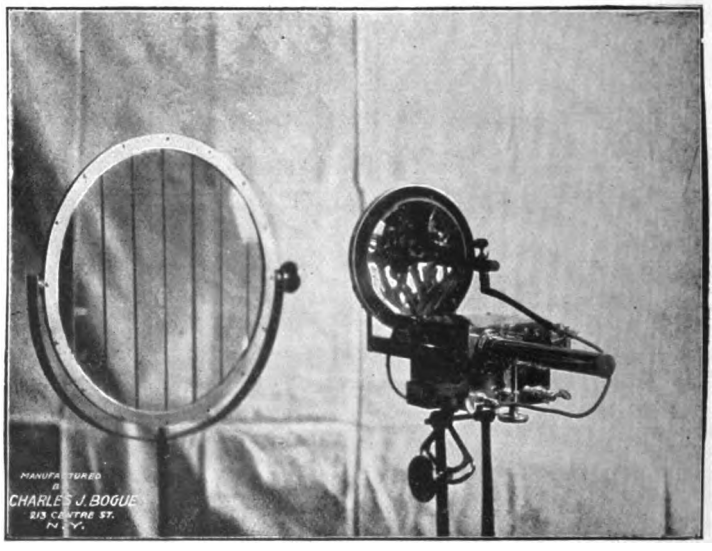

FIG. II. Dr. Bleyer's 5000 candle power Electric Arc Projector, with parabolic mirror attached, mounted on a stand capable of giving all motion when required. Also, showing the Screen for sifting the rays and cutting off heat rays. Mounted on stand.

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COLORED RAYS OF LIGHT.

Experiments Show Them to Become a Most Important Adjunct in the Treatment of Tuberculosis.

BY DR. J. MOUNT BLEYER, F. R. A. M. S., LL. D., OF N. Y. CITY.

The subject of light rays have of late attracted such attention in the medical world, that, to the thinking, up-to-date physician, a want is felt for a simple, though scientific, explanation of the more salient points of the laws of light in operation. I merely here shall make an attempt to place before the busy practitioner a resume in a comprehensive manner so as to enable him to weigh thoroughly those most vital principles, concerning us here interested. This will aid in quickly grasping the true scientific value of their possible connection with therapeutics.

We are now beginning to apply the finer forces of nature in the treatment of various diseases and it certainly behooves us therefore to study more in detail at least the fundamental principles of them. Light is one of the most useful and powerful adjuncts in the entire catagory of remedies at our command. Why not then try and understand its laws and best modes of its application. It is my intimacy with the laws of light rays that tempted me in bringing before you this subject, dished up in a palatable form, and so cooked to suit the most wavering appetite. It is hoped that this discourse will be one of the means at least in starting up the interest for the more liberal use of a force which is known to be so powerful in its influence upon the entire cosmos. We already know sufficient of light and its finer forces to warrant a more extensive investigation in every domain of medicine. This force (light) is receiving more attention since the discovery of the "X" ray, and we are now on the eve of going into the scientific end of all this more daily, and there is no doubt that some still more valuable application will soon be unearthed to us for the use of light rays to combat diseases with. Already it has many followers all over the world; their labratories and

Read before the Medico-Legal Society and Congress of Tuberculosis, February 21, 1900.

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wards of their hospitals are kept busy experimenting with these subtle powers of the various rays of light, and soon we may expect to hear of some startling truths. So with these remarks, I beg you to follow me through the various known principles and laws connected with light from which the "whys and wherefores" shall be expounded here which will aid those too busy to study the question with a knowledge necessary for their comprehension in adopting rays of light to therapeutics.

I am much alive to the criticism that I shall be subjected to, as the knowledge of my experiments and the conclusions deduced from them as they become diffused, while others, again, grasping them in their important relations, as by intuition, welcome it as a long step in advance in the knowledge of the great truths in physics, which mankind are so anxious in this age to acquire. All this is perfectly natural. The little knowldege which men have has been acquired by great labors, industry, privation, and perhaps through a long course of arduous study. They are, therefore, loath to abandon preconceived notions upon any subject. It would be a loss of so much mental capital. A new idea, therefore, upon any familiar subject naturally excites doubt, and is met with disapproval until, by a full and free discussion, its merits are understood, when, if it is established by facts and conclusive reasoning upon them, it is accepted as sound, though it may displace all pre-existing notions in opposition to it.

I take the liberty to present to you some important facts in connection with colour rays of light and their valuable influences, as an adjunct in the treatment of tuberculosis and other diseases.

These facts which are very curious, instructive and important, are the results of experiments, which are so surprising, that through this communication I make known my results to your most learned body for their crucial and impartial good judgment.

In the New York Medical Journal, February 22nd, 1896, under the heading, "Crooke's X-rays and Other Light Rays," "—a problem yet to be solved in therapeutics,' &c. My publication then was a forerunner of a series of experiments then under way to determine the effects of certain light rays standing high in the violet scale of the spectrum on animal and vegetable life. In this communication to your Congress I

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propose to give you all that I learned by experimental work which is hoped will become of service to us in the treatment of those diseases which need more subtle power than mere remedies.

While still the world at present is engaged in the work of solving the problem of the penetrative power of the cathode rays and from the already known facts which they have yielded to us, it is but fair to presume that other rays than those of the cathode must have some other effective qualities which may be of valuable service as remedial agents. We know that the cathode rays do force their way through opaque bodies that ordinarily arrest the transit of sunlight has been demonstrated, and the questions to be solved are as to the practical and valuable application of these and other peculiar properties of colour light rays as remedial agents, &c.

We know, or rather Roentgen has told us, that unlike sunlight these cathode rays do not undulate in waves from their source of origin, but move backward and forward, and to this property the power to penetrate opaque bodies is most probable due; as has been mooted,this power as demonstrated may be an energy in the shape of radiation. The advantages from this source alone that have, and still may further accrue from it in our domain as a means of diagnosis, has already been much spoken of, and it only remains still to complete the experiments that will demonstrate the means of those and other rays of their more practical application.

Aside from all our present knowledge of them it is fair to presume that certain rays have a subtler power than this one of penetration. Ordinary sun light with its varying colors, is one of the main factors in development and growth of animal life. We have studied the effects in this direction, and know that sunlight is essential for the growth and development of both animal and vegetable tissue.

The sublest chemical force is sunlight; it brings about the most powerful reactions that are apparent yet and not entirely undemonstrable. We see the reaction of a ray of sunlight upon a plate prepared with sensitive salts and observe the chemical decomposition, and thousands of other similar examples.

So, too, do we watch its action upon the plant, and we know that colour, strength and fructification depend to a large measure upon light rays.

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The same applies to animal life. We have in light rays, a therapeutic agent that has been underestimated; if not altogether lost sight of and neglected to a great measure. The few thoughtful men who have striven to advance the title of light rays in this direction have been scoffed at. Their labors have not been accorded respectful consideration, simply because the average therapist will adopt nothing that cannot be demonstrated in the glass receiver of his labratory, the reaction of which he can not see going on before his eyes, and the formula of which he cannot determine. In the light of recent observations we are slowly arriving at the realization that some of our principles of therapeutics must soon change; that their Waterloo is impending.

In presenting my work for your criticism I shall confine myself only to study the isolated colour rays of the sun and those violet rays as produced by the arc light. The X-ray will not be considered from any point of therapeutics in this discourse, as we do not understand them sufficiently enough as yet.

It is always a good plan to pursue, in speaking of physical phenomena, to bring to your notice again by way of recapitulation a few known facts on light rays in order to refresh the wavering memory and also show thereby the course of my reasoning pursued throughout these researches.

All students of chemistry and physics remember that in the analysis of the ray of the sun by the prism, in the year 1666, by Sir Isaac Newton, he had resolved it into the seven primary rays, viz.: Red, orange, yellow, green, blue, indigo and violet, and had discovered that these elementary rays had different indices of refraction; that for the red ray at one side of the solar spectrum being the least, while that of the violet at the opposite side thereof was the greatest, from which he deduced his celebrated doctrine of the different refrangibility of the rays of light; and further, that Sir John Herschel, in his subsequent investigation of the properties of light, has shown that the chemical power of the solar ray is greatest in the blue rays, which give the least light of any of the luminous prismatic radiations, but the largest quantity of solar heat. Some of my later experiments establish the fact of the stimulating and remedial influence of the blue and violet rays upon vegetation and animal bodies. I, therefore, some eight years ago, concluded to make practical my knowledge on the appli-

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cation of the properties of the blue and violet rays of light, as to their stimulating value in lost vitality of the human organism from such causes, as in fevers and infections of many kinds; also in cases where the human body is in a weak condition, due to inheritance, &c. I began to inquire in every accessible direction if this stimulating and sterilizing quality of the blue and violet ray has ever received any practical useful application. My inquiries developed the facts that various experiments had been made in England and on the Continent with coloured glass with each of several primary rays. Also knowing of the former few successful experiments made by the authorities of the Horticultural Department, at Washington, D. C., by the use of the electric arc light posted over green houses for the purpose of ascertaining the facts of actinic rays upon vegetation. Their experiments were crowned by the most successful results in forcing the growth of vegetation to enormous size, and in much less time than under the best and normal conditions. Those experiments of Genl. A. J. Pleasanton are too well known to receive any comment from me. Some of these experiments were more than satisfactory proof that it is possible to force development, both in vegetable and animal kingdom, under different conditions. Finding however, with all due respect to my predecessors in the line of experimentation, a few beaten tracks, I was, nevertheless, left to myself to grope the way as best I could under the guidance of the violet and blue rays, and those produced by the electric arc light, &c.

Before going further into this subject, let me attempt an explanation of some of the phenomena which the blue and violet rays of light have in general upon vegetation and the animal body. It is well known that differences of temperature evolve electricity, as do also evaporation, pressure suddenly produced or suddenly removed in which may be comprised a blow or stroke; as, for instance, from the horse-shoe in the rapid motion of a horse on a stone in the pavement, striking fire, which is kindled by the electricity evolved in the impact, or again, from the collision of two silicious stones in which there is no iron, is electricity produced.

Friction even of two pieces of dried wood excites combustion by the evolution of hydrogen gas which bursts into flame when brought into contact with the opposite electricity—evolved by the heat. Chrystillization, the freezing of water,

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the melting of ice or snow, every act of combustion in respiration, every movement and contraction of organic tissues, and, indeed, every change in the form of matter evolves electricity, which in turn contributes to form new modifications of the matter which has yielded it.

The diamond, about whose origin so much mystery has always existed, it is likely, is the product of decomposition of carbonic acid gas in the higher atmosphere by electricity liberating the oxygen gas, converting it into ozone, fusing the carbon, and by the intense cold there prevailing, which is of opposite electricity, chrystallizing the fused carbon, which is precipitated by its gravity to the earth.

To the repellent affinity of electricity are we indebted for the expansive force of steam whose power wields the mighty trip-hammer, propels the ship through the ocean, and draws the train over the land—and to the opposite electricities of the heated steam and the cold water, introduced into the boiler to replenish it, do we owe those terrible explosions in the steam boilers whose prevention has hitherto defied human skill. But the interesting application of electricity, is in nature's development of vegetation. Let me illustrate it. Seed perfectly dried, but still retaining the vital principles, like the seed of wheat preserved for thousands of years in mummy cases in the catacombs of Egypt, if planted in a soil of the richest alluvial deposits, also thoroughly dried, will not germinate. Why? Let us examine. The alluvial soil is composed of the debris of hills and mountains containing an extensive variety of metallic and metalloid compounds mingled with the remains of vegetable and animal matter in a state of great communition, wasted by rains and carried by freshests into the depressions of the surface of the earth. These various elements of the soil have different electrical attributes. In a perfectly dry state no electrical action will occur among them, but let the rain, bringing with it ammonia and carbonic acid, in however minute quantities, from the upper atmosphere, fall upon this alluvial soil, so as to moisten its mass within the influence of light, heat and air and plant your seed within it, and what will you observe. Rapid germination of the seed. Why? The slightly acidulated, or it may be alkaline, water of the rain has formed the medium to excite galvanic currents of electricity in the heterogeneous matter of the alluvial soil;—the vitality of the seed is devel-

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oped and vegetable life is the result. Hence vegetable life owes its existence to electricity.

Light is one of the forms of radiant energy, being transmitted from place to place by means of transverse vibrations of the medium ether, which fills the whole of space. This mode of transmission is known as "wave-motion," the nature of which is well illustrated by the progression in water of the disturbance due to an impulse given to it at any point, e. g., by dropping in a stone, the disturbance travels onward as an undulation, as a succession of waves, while the water particles oscillate about their point to rest, but do not undergo any motion of permanent translation. The distance from crest to crest of two succeeding waves is the wave-length, differences in which do not cause any change in velocity of propogation of a wave of light through the ether.

Although the length of the waves which constitute radiation is extremely small, being measured in millionths of a millimetre, the various effects produced by this radiant energy, viz.: those of heating, illumination, and chemical change, are due solely to differences in wave-lengths; in other words, heat, light, and actinic rays are not different things, but a ray of radiant energy possesses the property of producing thermal, luminous, and actinic effects to an extent depending upon its wave-lengths. But whereas all rays are thermic to some degree, provided they fall on a suitable surface, it is not all rays which are capable of producing a luminous of actinic effect. With sunlight we find that a length of 600 to 800 millionths of a millimetre we get a luminous effect; while a powerful photographic effect is produced by those rays which have wave-lengths between 200 and 400 millionths of a millimetre. In speaking, therefore, of light rays it must be understood that what follows does not refer any to those rays which by the constitution of the eye, happen to produce a luminous effect.

But besides differences in wave-lengths, or distance from crest to crest of two succeeding waves, the extent of vibration of the ether particles—their amplitude—may vary; just as we can imagine the size or height of sea-waves to vary instantly altering the distance from one wave to the next, the hollows and crests being only more marked. Now, since this is caused by the particles moving from a greater distance from their position of rest, they must possess greater energy

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or be capable of doing more work; in other words increase in amplitude causes increase in intensity, and many photographic and other phenomena are dependent upon, and can be explained by, deficiencies in the intensity of the vibrations.

Waves of greater frequency than those which produce a sensation of violet do not produce any sensation in the eye at all, but they do effect, as I said before, a photographic plate; they induce chemical action, and are called ultra violet or actinic waves.

The velocity of light upon the earth's surface has been found by Leon Faucault, by experiments most carefully conducted, to be 298,000 kilometres, or 186,000 miles per second of time. That shows with what an enormous rapidity that light travels and what the results must be when suddenly stopped and sufficiently concentrated by means of lenses, or even alone by allowing the mere penetration of light through a media, as the case may be, viz.: by the simple intervention of a coloured media in the form of coloured glass, or either a coloured fluid, or the light as generated by the electric arc light. Various such modifications produce different results. Now of the seven primary rays of light all of them, excepting the blue ray and its compounds, purple, indigo, and ultra violet, which perhaps are decomposed, and the rest liberated, are suddenly arrested in their marvellously rapid course, on coming in contact with a coloured media, or coloured glass, or fluid. This sudden impact of the intercepted rays on the outer surface of blue glass, or coloured media, &c., with this inconceivable speed, produces a large amount of friction. Light, though imponderable, yet is material,since according to the book of Genesis, "God said, 'Let light be made,' and it was made," and the movement of matter upon matter always produces friction. By friction, electricity is evolved, and when opposite electricities meet in conjunction, their conflict, according to the celebrated philosopher, "Oersted," develops magnetism. The electricity produced by this friction is negative, while the electrical condition of the colored glass, &c., is opposite, or positive, and heat is therefore evolved by their conjunction. This heat sufficiently expands the pores of the glass, to pass through it, and then you have within any compartment or solarium a source for generating coloured rays of light for therapeutic purposes, electricity, magnetism, light and heat; all essential elements of

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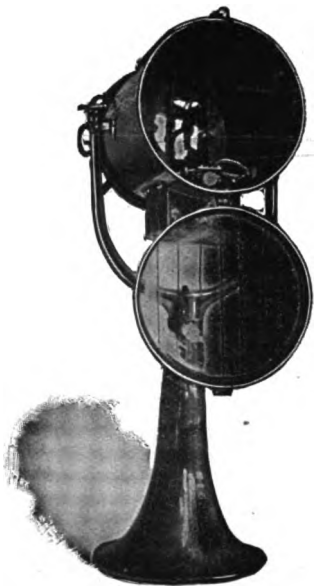

FIG. III. 50,000 candle power Search Light mounted on stand.

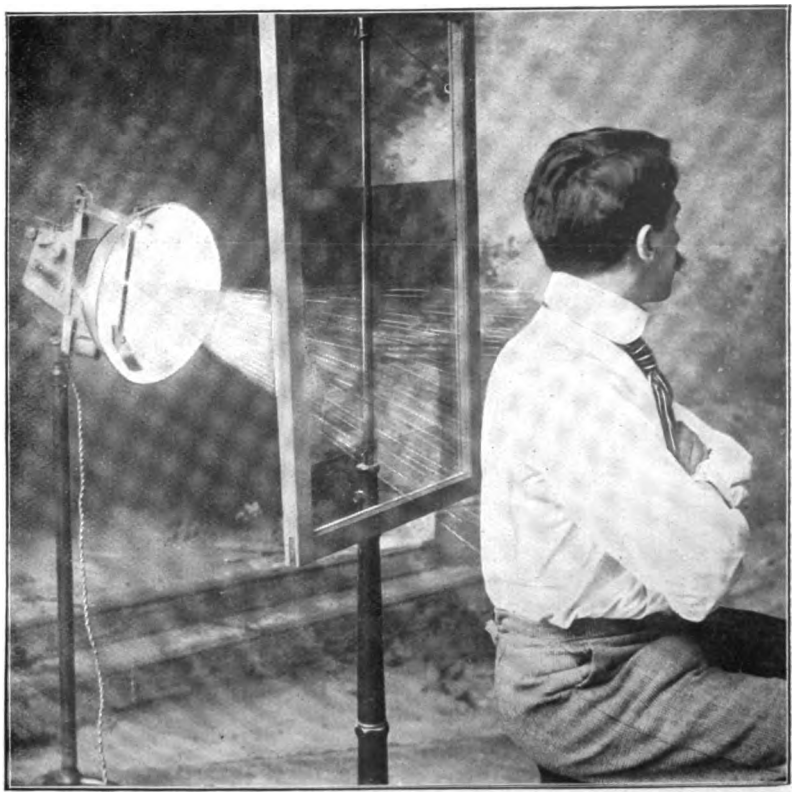

FIG. IV. Dr. Bleyer's early electric arc projector, showing how a patient is subjected to color rays.

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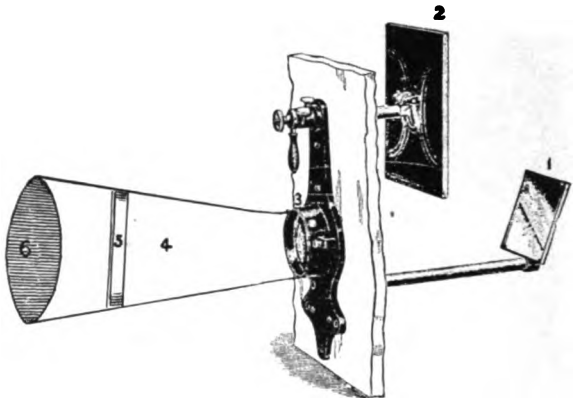

FIG. V. Dr. Bleyer's double mirror attachment for windows. Its use is confined to windows having a good sun exposure.

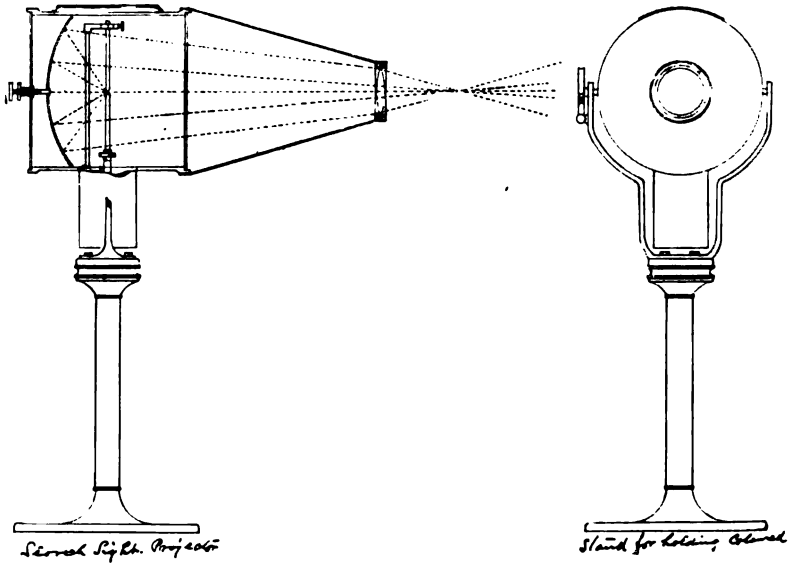

FIG. VI. Outline Search Light and Screen showing the parallel rays of light passing to the screen and thence to patient.

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vital force. These are some of the physical principles which operate, when coloured glass is made use of, for generating actinic rays. But, as I said before, the chemical rays of light can be generated according to the power wanted, by different methods. As for instance: By sunlight, concentrated by means of lenses and coloured media for intercepting the heat rays.By the arc electric light, concentrated by lenses and coloured media, &c. By the different sun condensers and arc electric lights. Each of these methods have their own different therapeutic effects and value.

Chemical action is merely a synonym for electrical action, hence in all the functions of the animal body, from its birth to its dissolution, we may observe the influence of electrical currents, the development of magnetism, by the conjunction of them, oppositely electrified, and the production of heat. In the first inspiration of atmospheric air into the lungs where it encounters the blood oppositely electrified, heat and magnetism are evolved, and the purified blood has one electricity, which repels itself into the heart, and thence by the arteries through the system. When it reaches the capillaries it has lost more than two degrees of its temperature, and being forced through the capillaries, or small arteries, into the veins, as well by the repulsion of the electricity of the arterial blood, as attracted by the opposite electricity by the veins and the blood they contain, the temperature in increased till it reaches 98 degrees Fahrenheit, which it carries with it to the heart.

We have thus seen that the magnetic, electric and thermic powers of the Sun's rays reside in the violet ray, which is a compound of the blue and red rays. These constitute what are termed the chemical powers of the sunlight. That they are the most important powers of nature, there can be no doubt, as without them life cannot exist on this planet. Without these chemical powers there could be no vegetation or anything else.

Light is inimical to, and under favorable conditions may wholly prevent, the development of organism. The action of light entirely destroys the bacteria, or reduces them to a condition of torpidity, which requires months of darkness in favorable surroundings for them to overcome. In my experiments which were made I took small test tubes containing cultivation fluid, which were suspended in deep, narrow boxes made of garnet, red, yellow, blue and ordinary glass, respec-

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tively. Although the blue and yellow glasses were not monochronomatic, the results showed that the action is chiefly dependent on the blue and the violet rays.

It is probable, therefore, that if the phenomena were represented by a curve, the maximum elevation would be found in or near the violet. The organisms, in which many of the experiments were carried out, afford an example of proto-plasm in a simple and uncomplicated form, but it would be unreasonable to suppose that this proto-plasm is so essentially different in its fundamental constitution from all of the protoplasm, that here, and here only, is this special effect of light to be found. There are many facts which prove the contrary and indicate, not with a special and fortuitous phenomenon, but with a general law.

I have found that not all the rays of the spectrum are able to exert an influence upon the direction of the movement of the spores, it being only those which are strongly refracted (blue, indigo, and violet) that produce stimulation.

If a vessel containing a deep coloured solution of ammoniated copper oxide, which only transmit blue or violet rays, be placed between the source of light and the preparation, the spores are seen to re-act just as if they came in contact with ordinary white light; on the other hand, they do not reach at all to light, which if passed through bichromate of potassium solution, through the yellow vapor of a sodium flame, or through ruby-red glass, another very important and complex manifestation of the effects due to light is seen in the movements of the chlorophyll corpuscles.

Light acts as a stimulus to animal and plant proto-plasm. It induces characteristic changes of form in individual cells, and causes movements in fixed directions in free-living unicellular organisms.

I have discovered by experiment and practice, the special and specific efficacy in the use of the combination of the caloric rays of the sun, and the electric arc, light in stimulating the glands and cells of the body, the nervous system generally, and the secretive organs of man, and animals. It, therefore, becomes a most important adjunct element in the treatment of acute and chronic diseases, especially such as have become chronic, or result from derangement of secretive, perspiratory or glandular functions, as it vitalizes and gives renewed activity and force to the vital currents that keep the health

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unimpaired, or restore them when disordered or deranged. My entire early experience in this line of work was founded on patient experiments upon young and old animals, of several kinds. Since the last five years I employed these different rays of light in the treatment of many forms of tuberculosis and various other forms of diseases. I came to the conclusion that light is one of the most marvellous therapeutic agents yet employed to combat tuberculous conditions. Many experiments could be brought forward to show you how its effects are made visible by comparison; but suffice it to say, that trials by others will prove my work; that it stands upon its own merits.

All these important and pointed phenomena of violet and blue rays led me to test their efficacy upon the human organism for different ailments as I say, and I found that exposure to the rays for an hour or two daily, in all forms of tuberculosis and other forms of lung diseases, in nervous exhaustion, produced from worry, overwork, in weaklings, senile decay, and a host of other diseases, gave excellent account of themselves. A number of experiments were carried out in acute infectious diseases, as in scarlatina, diphtheria, &c., to the power of this light may be credited also much therapeutic value.

I have found the best results were gotten from the violet rays, as generated by coloured glass and concentrated sunlight by means of lenses, or as passed through coloured glass alone, or colored fluid media, produced during the period of the season in this latitude when the sun's rays were strongest, as during May, June, July, August, September, and October. Though, nevertheless, some of my experiments on animals for comparison have shown that the influence of the violet rays were very marked, even when the declination of the sun was such, during a period of comparative feebleness of the force of the actinic or chemical rays. This time was especially selected for experiment for that very reason. It is almost immaterial whether strong electric light is employed or the solar light. Of course, one can always depend on electricity, at all hours of the day and season and so be independent as to its regular employment. We know positively that electric light has similar chemical properties to sunlight; it affects the combination of chlorine and hydrogen, acts chemically on chloride of silver, and can be applied in photography.

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Passed through a prism, the electric light, like that of the sun, is decomposed and gives a spectrum. Wollaston, and more especially Fraunhofer, found that the spectrum of the electric light differs from that of other lights, and of sunlight by the presence of several bright lines. Wheatstone was the first to observe that, by using electrodes of different metals, the spectrum and the lines are modified.

Masson, who experimented upon the light of the electric machine, that of the voltaic one, and that of Ruhmkorf's coil, found the same colours in the electric spectrum but traversed by very brilliant luminous bands of the same shades as that of the colour in which they occur. The number and position of these bands do not depend on the intensity of the light, but, as we now know, upon the substances between which the voltaic arc is formed.

With carbon, the lines are remarkable for their number and brilliancy; (and this is the regular arc light that I employ) with zinc the spectrum is characterized by a very marked apple green tint; with silver, a very intense green; with lead, a violet tint predominates; and so on with other metals.

Fizeau and Faucult compared the chemical effects of the sun and the electric lights by investigating their action on iodized silver plates. Representing the intensity of the sun's light at mid-day at 1,000, these physicists found that the light from a battery of 46 Benson's elements was 235; while that from one of 80 elements was only 238. The above two experiments have shown that the electric light produced by 50 Benson's cells is about one-fourth as strong as sun light.

Nevertheless, if a powerful arc light is used instead of sun light, and well condensed by suitable lenses, we can obtain sufficient chemical effects, which are very much equal to that of the sun's.

Arguing from all that I have said and all that is known about the blue and violet rays in conjunction with the atmospheric conditions in general, I set out to make practical application of these coloured rays of light as an adjunct to the treatment of tuberculosis, in their various stages of progress, as a prophylactic in supposed early stages, &c. Much to my satisfaction, the practical experiments which I have tested in so many different conditions in tuberculosis, these tests have all given good account of themselves in most instances, so that I am very happy to make you acquainted with my re-

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sults, as I have found them. I am of the positive belief, from my acquired practical and theoretical knowledge of facts, that the best method to treat tuberculosis and other forms of lung diseases, is in special designed solariums at home or at a sanitarium where violet lights can be generated, according to the requirement of each individual case and specially treated upon principles according to the condition of each case.

From all the reports and researches to the present day by all the expert men in this branch of study, we find but one cry, and but one concert of opinion, for the successful treatment of tuberculosis: hygiene, food, sunlight!

There can be no doubt to every student of this disease, that these facts enter into, as the most important adjuncts, and form the most valuable remedies for the successful treatment of this disease, barring all others, from creosote to anti-toxines. We must look to these factors in the future as our very fundamental principles to rely on, in order to gain a fast hold in the successful battlement against and with tuberculosis. I know full well that there are opinions which will differ from mine, and others who agree with these facts, but, nevertheless, ours are as good as theirs. Since they have done less towards alleviating or curing the disease, even if they have discovered a number of valueless and poisonous anti-toxines and chemicals. I wish it understood that I don't decry the use of remedies by any means; they have their valuable place in the treatment and I use them at the proper time, but, above all, we must not sacrifice the most valuable of them all: sunlight, hygiene, food, climate and electricity. These agents should be considered as the very acme of the fundament for the successful issue of this unconquerable disease. No one can doubt the efficacy of them, or if he does he must be a knave, or a fool.

My apparatus for the generation of violet rays consist of an electric arc search light, so arranged as to throw a beam of violet light upon the chest or back wall of a patient for any length of time.

This method of using coloured light rays makes it practicable of applying these rays of light any hour of the day and regardless of the seasons of the year or climate.

Another apparatus, with which I had much practical experience, is one so arranged for the concentration of sun

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rays. It is a double mirror solar arrangement, which reflects a beam of light on a lense, and thus concentrating it, and then passes through a square glass receptacle, containing coloured fluid. Such an apparatus is useful during the seasons of the year when the sun is high or climates where there are many sunny days. This apparatus is fitted into windows having a southern exposure or nearly so. Both these colour ray generator, can be used under any condition desirable. They will be found powerful enough for the purpose for which they have been specially constructed. The illustration herewith show the generators in full operation, from which an idea can be gathered. The mechanical arrangement is of the simplest construction, and a very little practice is necessary for working them in a satisfactory manner.

I use an electric arc search-light, and also an arc projector which have the power of generating from 10,000 to 60,000 candle power. These apparatus will be found very useful in treating one or more patients at one time, as the beam of light is of sufficient power and area which encompasses a large surface. My apparatuses have been constructed for me by Chas. J. Bogue, 213 Centre street, New York City, and The Waite-Bartlett Company, New York City.

These powerful electric arc lights, which are capable of generating from 10,000 to 75,000 candle power, are represented in the illustrations. They were specially built for me from my own designs, to do away with costly lenses, and for the production of the most efficiency of light. The search light is used mostly for casting a large beam of light over a large area. The smaller arc projector is gotten up specially for flooding a certain space selected for treatment. The screens for sifting the light and cutting off heat rays are of different dimensions according to the need. Both apparatuses are arranged for concentrating, focusing and posing to any possible position desired.

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PRELIMINARY REMARKS TO THE DISCUSSION OF TUBERCULOSIS.

BY DR. C. DENISON, OF DENVER, COLORADO.

As fundamental to the consideration of the five subjects for discussion, proposed by the Medico-Legal Society, (especially the second, "The Most Successful Methods of Treatment,") I wish to draw attention to the fact that the basis of judgment at the present time is defective. Unless this is remedied any conclusion will be likewise defective and unsatisfactory. This defect of judgment arises from the premise that the bacillus of tubercle is the sole cause of tuberculosis. Probably ninety per cent. of medical men now living rest their faith in treatment upon this belief. The function of the seed is allowed almost to ignore the condition of the soil as a causative factor in tuberculosis, consequently the origination of the complex disease called consumption is not understood or is practically disregarded. The security which the physician feels in not finding the tuberculosis germ in the sputum is unfortunate and his possible self-deception invalidates his diagnosis. The right which a patient has to a more fundamental regime is denied him, and thus he is made to miss a most important avenue of cure, that of prevention.

The point I want to emphasize is that the matured bacilli do not appear until late in the disease. This latent condition of the germ, or a like effect, is manifest in a denoid tissue and scrofular gland growth.

The demonstration of a blood dyscrasia by reaction in tuberculosis to the Widal typhoid fever test,* is remarkably suggestive of how limited our knowledge of the pertubercular state is. It encourages the hope that new and definite means of diagnosis will be forthcoming, other than the tuberculin test. This latter valuable diagnostic means, however, is quite

* As shown by the experiments of Dr. S. H. von Ruck, described in the October number of the "Journal of Tuberculosis."

Read at session of Medico-Legal Society in joint session with American Congress of Tuberculosis, February 22, 1900. Discussion of Question No. 2.

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sufficient to make known these scrofular and other proofs of the tubercular dyscrasia long before there is any occular demonstration of the germ. Therefore, I submit that the subject should be divided; namely: into First, Tuberculosis before microscopic proof of the matured germ, and Second, Tuberculosis after microscopic proof of its existence. Then under such a ruling most all of the "Methods of Treatment" at present in vogue can be relegated to the second division, just named, and with few exceptions are confined to the 2nd and 3rd stages of the disease: because, usually it is only during the breaking down of the tuberculous tissue, i. e. during these two, the softening and excavation stages, that the germ evidence is found. At this period in treatment we are then dealing with results always accompanied by a certain degree of auto-infection. For this advanced condition and its complexities, I hold that the best effects of treatment will, and do come, from a combination of methods, adjusted to the individual's needs.

The Third of the five problems announced "The importance and necessity of individualization" always has to be considered. Individualization helps us to determine the proportion of good to be expected from the various elements of the above combination of treatments.

From my long experience, which I have summed up in my paper on the "Modern Treatment of Tuberculosis,* I claim more than half of the good accomplished results from (1) climate, (2) exercise, and (3) the specific or anti-toxin method. The first and last of this trinity, climate and anti-toxin, I propose to take up when your 4th and 5th subjects are discussed. The argument for the other, "exercise" is set forth in articles† which seem to be so incontrovertible that no opposition has been shown to their general conclusions.

The consideration of tuberculosis before the advent of the mature germ introduces the most fruitful field for investigation, so far as the final eradication of tuberculosis is concerned; for here a cure is possible without leaving the damag-

* Read at the '98 meeting of the A. M. A. in Denver. See Journal, Sept. 21., '98.

† "The Advantages of Physical Education as a Prevention of Disease." Read before the Am. Academy of Medicine, at Denver, June, '98.
"Exercise for Pulmonary Invalids." Congress of Medico-Climatology of World's Fair, June, '93.
"The Air Pressure in an Exhaler," from New York Medical Record, Feb. 10, '94.

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ing results characteristic of the arrested second and third stages. If we could only have as convincing proof of the existence of the pretubercular and first stages, as of the second and third stages, and medical men would cease to limit their sphere of action by the meagre knowledge of the bacillary germ, then the way would be open for the much needed prevention. It is unfortunate that our means of diagnosis are as inefficient and limited as they are, yet enough can be known through physical diagnosis, close measurements and individualization, with the tracing of defective genealogy, imperfect functioning, abnormal blood areation and other symptoms of degeneration, to bring to light and within control this insidius disease.

A vital subject which immediately presents itself is: What are the histological changes of the tissues, or the biologic or chemical changes of the body fluids which explain the susceptibility to tubercular infection?

I wish you might urge this question upon the specialists in biology so that after due investigation and on another similar occasion this important matter can be determined.

To recapitulate the chief point here raised is this, the fact that tuberle bacilli are not or cannot be found in expectoration or in adventitious growths, as adenoid glands, is not conclusive proof that tuberculosis does not exist. To conclude otherwise would be practically to ignore the latent or pretubercular and nearly all of the first stage of the disease, the most important period, because then it is curable by preventive measures. The advent of the germ should not, therefore, be the starting point for a tuberculosis congress. As the initiative of tuberculosis then, the germ is a delusive barrier to right judgment and possible prevention. It is more an effect of that degeneration or slow process of death which must be considered as fundamental. Do we have to admit that it is because of our ignorance that the human race is not the ideal one God intended? Yes, it is better to acknowledge that we do not know the cause, than to assume a false basis. Let us give a new definition to consumption.

It is a degeneration or slow death due to the vitiation of the bood, generally produced by defective ventilation of the lungs, a prominent and advanced symptom of which is the bacillary germ of tuberculosis. Now admit this definition and you must

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go back to the mortifying stage, to its source, namely: to the dyscrasia which is a *sine-qua-non* of its existence. Evidently this dyscrasia or degeneration is due to some result of our civilization; for the domestication of animals (as the housing of cows) and the civilization (?) of the savage (as of our American Indians) both coincide with our own limitations as to insufficiency of breathing space. Trace down this association of effects to a unified explanation and you arrive at a species of auto-infection, or self-poisoning, due to rebreathing impure air. It matters not whether that admixture of good and bad air is a confined or stove-heated atmosphere, or,more likely, produced in an unventilated lung. The result is the same, namely: a dyscrasia or susceptibility to an additional infection by the bacillary germ. Have perfect pulmonary ventilation, no breathing of impoverished air, and tuberculosis will sink into numerical infrequency. It is almost too great a blessing, this knowing how and what air to breathe, for the human race to attain it yet. The degeneration which is engendered by our ignorance of breathing properly is effectually perpetuated by inheritance. Our difficulties in remedying this dyscrasia or preventing this degeneration are thereby so much increased that I fear it will take years of work by zealous tuberculosis congresses before that education, which must initiate and sustain legislation, will be sufficient to cope with this tuberculosis evil. It was all right for Pasteur to say, "It is in the power of man to cause all parasitic diseases to disappear from the world," but the eradication of the bacillus of tubercle will not come through the superficial legislation that simply seeks to control (?) expectoration or limit infection from animals. No, the education we need, which alone can be the basis of right legislation, must be more fundamental. The importance of physical development as a basis of health, incorporated into our education and lives is not duly appreciated. If we only knew how and what air our Creator intended us to breathe, and then acted on that knowledge, there would be very little pulmonary consumption hereafter.

The tendency of people to concentrate in cities, and the faulty architecture of our homes and public buildings, are important subjects yet to be duly considered.

These are a few of the thoughts which lead to the denial of the position, believed in by the mass of medical men, that

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bacillus of tubercle is the sole cause of tuberculosis. The question then is a legitimate one: Would we not reach desirable prevention sooner by considering that germ a result rather than a cause?

But there is another even larger subject which, it seems to me, it is the special function of a Medico-Legal Society to elucidate. This investigation is intimately associated with that named above and is one of, if not the most vital of the problems of this tuberculosis crusade.*

It is nearly comprehended in the following: What are the legislative and educational provisions possible, to suitably change the prevalent degeneration, and its heredity, which now dwarfs civilization and favors tuberculosis?

This is the theme of themes for collective minds to settle. Not a congress or legislative body anywhere, but can gain inspiration from it. Not a university, college, seminary, academy or even a common school, but can be instructed by it. Not a labor or religious organization, not a factory or work shop on this round world, but will feel the radiance of the light which may eminate from its solution. Let the usual counterbalancing of judgment by judgment, the simple putting on of record of diverse personal opinions and experiences, not by the limit of the achievements of this congress, as has too often been the case with other similar discussions of this tuberculosis question. Let this body here take the initiative to inaugurate a future discussion of this basis or determining theme. Thus let us hope the way will be open for the required restrictive marriage and social laws, the incorporation of physical development into every educational and wage-earning phase of life, so that this tuberculosis crusade may be crowned with success.

* "The Tuberculosis Crusade and its Problems," by the author, giving 44 necessary subjects to be elucidated. Journal of Tuberculosis, Oct., '99.

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REPORT ON THE WORK OF THE MARINE HOSPITAL SERVICE AT FORT STANTON, NEW MEXICO.

BY PAST ASSISTANT SURGEON R. J. ROSENAU, M. D., OF THE MARINE HOSPITAL SERVICE, WASHINGTON, D. C.

The forecastle is the worst and the best place in the world for tuberculosis; it is the worst place for the sick and the best place for the well to take the disease. The dempness and darkness of the ordinary sailor's forecastle, added to the dirt and overcrowding, not only tends to diminish the vitality of its occupants but favors infection. The tubercle bacillus wants just such a place to dry out and fly about in the dust without losing its virulence.

You will, therefore, not be surprised to learn of the widespread prevalence of the disease among sailors. An occupation which could be made one of the most healthful, is, as a matter of fact, so arduous that only the vigorous and robust can withstand its hardships. These hardships are not alone exposure to wind and weather and long hours of toil, but quarters which any Board of Health would condemn were they to exist on land.

The Marine-Hospital Service furnishes medical attendance to the entire merchant marine of the United States. It has a clientele of about 100,000, and treats annually over 50,000 cases of disease—all sailors from American vessels. Of the total number of deaths which occur annually among these patients, taking the average for ten years, one-fourth, or 25 per cent., are from tuberculosis, many times exceeding the death rate from any other single disease. In other words, the Marine-Hospital Service has from eight hundred to twelve hundred cases of tuberculosis to treat annually. It is stated that seven out of every one hundred, or seven per cent. of the deaths in the United States, are caused by tuberculosis. It will, therefore, be seen that the death rate among sailors from this disease is about 3½ times the average.

Read before the Medico Legal Society in joint session with Congress of Tuberculosis, February 22, 1900.

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It is a well-known fact to the officers of the Marine Hospital Service that tuberculosis is the most discouraging disease to treat in a sailor as long as he follows the sea. A sea voyage which may benefit a traveler will almost inevitably terminate fatally for the hand before the mast, compelled to eat poor and unsuitable food and exposed for long hours to the perils of the sea.

The Marine-Hospital Service is over one hundred years old, for a long time treated cases of tuberculosis at its various hospitals in the general wards with other patients. After the discovery of the specific cause of the disease, tuberculosis patients were properly isolated in separated wards and all the known precautions taken to prevent the spread of the disease. The results under this plan were not good. A few cases recovered which seems to be the natural tendency of the disease. In a number of cases life was prolonged or the course of the disease arrested, but, in the main, the cases did poorly and it is no wonder that officers of the service stationed at reservations on the Great Lakes and the North Atlantic seaboard desired to send their tubercular cases to warmer and more congenial climates.

Sudgeon-General Walter Wyman was, however, the first to crystallize this idea into a suitable open air sanitarium for consumptive sailors about twenty years ago, when he endeavored to interest the delegate in Congress from New Mexico in the establishment of a sanitary ranch in the arid region of that Territory. Little, however, was done until he became Surgeon-General.

Among other officers of the service who have written and studied in the same line are Doctors J. O. Cobb and W. D. Bratton. The latter himself contracted the disease from his patients, and going to New Mexico to regain his health, was directed by the Surgeon-General to prepare a report on the beneficial effect of the New Mexico climate on consumptives, and to examine all government property in the territory with a view to securing a suitable place for a Service sanatorium.

He made an exhaustive report in favor of the climate and the establishment of a sanatorium. Subsequently the Secretary of the Treasury, Hon. L. J. Gage, authorized the detail of an officer of the Marine-Hospital Service to examine the various abandoned military reservations in this arid region,and report on their suitability for the purpose. Passed Assistant

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Surgeon Cobb was detailed, and after examining many places reported Fort Stanton as the most suitable.

By Executive order of April 1, 1899, President McKinley transferred this reservation to the Marine-Hospital Service, and the buildings were rapidly repaired, and patients are now being cared for there.

Passed Assistant Surgeon G. T. Vaughan of the Marine-Hospital Service gives the following description of our reservation:

*Fort Stanton, an abandoned military post, is situated near the Rocky Mountains in Lincoln County, Territory of New Mexico, in latitude 33 degrees 29 seconds 27 miuntes, N. and longitude 105 degrees 28 seconds 19 minutes W. The reservation consists of about 10,240 acres, 8 miles long and 2 miles broad, lying on both sides of Rio Bonito, which flows into the Rio Pecos, a tributary of the Rio Grande. It is located in the arid region of the United States 1400 miles from the Atlantic, 750 miles from the Pacific ocean and 600 miles from the Gulf of Mexico. The air line distance from Washigton is about 1800 miles, from New York 1900 miles, from Chicago 1200 miles and from San Francisco, 1000 miles. The nearest railway station was at Roswell, New Mexico, on the Pecos Valley Railroad, 25 miles distant, but on the first of August the El Paso and Northeastern Railroad ran a branch into Salado, New Mexico, only 6 miles from Fort Stanton, and about 150 miles from El Paso.

Climate and Topography.

It is generally agreed that an elevated region with a warm, dry and equable climate, is best for consumptives, and Fort Stanton probably comes nearer to filling all these requirements than any other locality in the United States. The altitudes may be a little too great, especially for advanced cases. Should this prove to be true, a second sanatorium for the treatment of these cases will probably be established in a region of lower elevation.

The average temperature for the year is about (55 degrees F.), 12, 8 degrees C.; (93 degrees F.), 34 degrees C. maximum.

It has run as low as (5 degrees F.), 15 degrees C.; but this is very rare. It sometimes snows, but the snow does not re-

*Sonder-Abdruck aus dem Bericht über den Kongress zur Bekämpfung der Tuberkulose als Volkskrankheit, Berlin, 24. bis 27 Mai, 1890.

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main long. Fire for heating and winter clothing are needed about 3 months in the year.

The rainfall is about 20 inches. The average number of clear days or with slight cloudiness is over 300.

The elevation above the sea level is 6151 feet. The country is rolling and hilly, gradually extending into the mountains, is covered with grass, alfalfa, which makes excellent grazing for sheep, goats and cattle. Higher up is the timber belt, covered with lofty pine, spruce, fir,and cottonwood trees, furnishing abundant material for lumber and firewood.

A few miles above the fort the waters of the Rio Bonito abound in trout. With irrigation, which is already used to some extent, and can be provided on a large scale without great expense, all ordinary vegetables, except potatoes and onions, can be raised. The finest fruits grow in and around the reservation.

Water Supply.

This is obtained from an artesian well 265 feet deep, with a capacity of 15,000 gallons in 12 hours. The water is pumped into a reservoir, whence it passes through iron pipes to the various buildings.

Sewerage.

This is only partial, the drainage being chiefly by acequias (irrigation canals).

Soil.

The geological formation exhibits outcroppings of new red sandstone and magnesian limestone.

The soil is a black, alluvial, alkaline deposit, exceedingly rich, with a subsoil of gravel and volcanic stone. Coal fields are found five miles distant, and gold in small quantity, in the Ficarillo Mountains about 30 miles distant.

Heating.

This is done by means of wood burned in stoves and open fire places. It is probable that coal from the mines of Salado, 6 miles distant, can soon be obtained in abundance.

Cases of tuberculosis may now therefore be sent from any of the 20 Marine Hospitals and 120 relief stations, located on the Atlantic, the Pacific, the Gulf of Mexico, and the Great Lakes and rivers of the United States at Government expense to the Fort Stanton Sanitary Ranch for treatment, where they will not only have the benefit of the climate and modes

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of treatment, but the most advanced scientific methods of a medical nature from the physicians and bacteriologists selected on account of their special fitness for this duty.

The Surgeon General hopes to enforce a regulation requiring the examination of all sailors before shipping, by which means cases of tuberculosis may be detected, thus giving the best chances of recovery by treating the disease in its incipiency and preventing the danger of communicating the disease to other sailors by reason of their close and intimate association on ship board.

The Surgeon-General has in mind not to allow the consumptive patients at the Fort Stanton Sanitary Ranch to simply sit idle with nothing to do but to reflect upon his disease, but he hopes to give employment to all able to do work of any outdoor character—with the double purpose of diverting their minds and aiding towards the support of the institution.

Some cases, of course, require absolute rest,and employment or rest is afforded as may be most suitable in the opinion of the medical officer in charge.

The reservation being so great, 16 square miles, will permit of sheep and cattle raising and the tending of these will give healthful employment to a number of patients. Light gardening and the raising of crops will also be undertaken.

The surrounding country is mostly public lands which when irrigated can be easily tilled, and it is thought that patients who have improved or recovered may take up a section or engage in the employ of others who have settled in the neighborhood, thus helping to settle at present an unsettled district.

The Fort Stanton sanatory ranch therefore already fulfills one of the objects for which it was established, viz., the isolation of the tubercular sailor, so that the other inhabitants of the marine hospitals are no longer exposed to dangers from this source. It also gives the consumptive sailor the best of fighting chance known to get well.

But this is only part of a general plan proposed by the Surgeon General to isolate all consumptive sailors by examining them before shipping, and by systematic disinfection of the forecastles—thereby checking one of the favorite hiding and breeding places of this dread disease.

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SANITARIUMS AND CLIMATIC CONDITIONS FOR THE TUBERCULOSIS.

BY W. S. WATSON, M. D., SUPERINTENDENT OF RIVERVIEW SANITARIUM, FISHKILL-ON-THE-HUDSON, N. Y.

I am very much interested in the paper which has just been read by Dr. Bleyer. I feel that he must be congratulated on the efforts he has made in this direction. I have been watching him with considerable interest for some years, and I feel and believe that he is doing a good work.

I have done a little along the same line myself, but not in the way he has shown us tonight. I have been using colored light by the aid of the sun's rays, using blue, orange and red, etc. I am confident there is a great deal in it, not only in the treatment of tuberculosis, but I believe it is going to do wonders, and that we are just on the eve of some wonderful discoveries in that direction.

With reference to the construction of sanitariums for the management of the Tuberculosis class of patients, to my mind, this is a matter that ought to be taken into consideration. The building of such structures without any regard to geting the effect of light, (the sun-light) and the different colored light effects is a serious mistake; the construction of sanitariums without carefully considering these points in the treatment of consumption is radically wrong. I do not think we are sufficiently impressed with the advantages to be derived from sun light, nor in having such structures situated or located where one can get the sun light, and when that cannot be obtained, the advantage of arc-light, at least.

Dr. Bleyer told us in his admirable paper of the pressing necessity for homes or sanitariums for the care and treatment of the consumptive and of the advantages of certain colored lights, he also touched upon plans of their construction, to all of which we heartily agree. As to the effect of the violet

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or other rays upon the tuberculosis bacilla we are as yet unable to say anything definite. If we were positively certain that Dr. Bleyer or any one else had found a positive means of destroying the bacilla, we would say, well done, let us have a united effort to get our consumptive class in sanitariums near us where such means can best be used. While there remains a doubt as to the practicability and curative action of colored sun or electric rays, we believe it wise and proper to turn our attention to the best possible climatic conditions for the consumptive since a climate favorable to long life is the one thing sought by man. The question is where can I go to prolong my chances of life, suffer least and get the most enjoyment out of the time allotted me? Thousands are asking themselves those questions, the consumptive more than any other, since consumption is the greatest scourge of the human race. Among civilized people nearly one-tenth of the population and so far as we know there is no country entirely free from its ravages. In Iceland the disease is rare, while in the West Indies it is of common occurrence. This shows that heat is not a preventitive and that cold does not necessarily produce it. That medicines are of but little if any use can scarcely be doubted. Cod liver oil and immunitized serum are of doubted value, climate is the one thing most promising at present.

I will say that I am not favorable to a cold climate for a sick man, especially is a low temperature detrimental to the consumptive, notwithstanding there are strong advocates of the north, as the Adirondacks. I believe this positively wrong; we will admit that many cases are braced up for a time in a vigorous, cold climate, the electro-positive conditions tend to make the depressed and jaded person feel better, but it is absurd, to my mind, to send a person suffering from consumption into a cold climate as he is of necessity a person with impoverished blood and enfeebled circulation, to place him where he must be shut up indoors, week in and week out and expect any lasting results for good is beyond our comprehension. We will concede many try and are much of the time out in the cold air of the northern resorts, the physician often insisting that it is positively necessary to remain out. We agree that outdoor air is necessary, but more die in the attempt than get any lasting benefit from such ventures, and the sooner the general public understand the unreasonableness of such doctrines, the better for the unfortunates. While we do not ap-

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prove of cold, high altitudes and extreme changes, we also do not see a fitness, in warm, humid climates for the consumptives. We have sent many cases of consumption to Georgia and South Carolina in years gone by, also to Florida. In a few instances they have been benefitted, but more frequently returned under advice of the undertaker; if not under the undertaker's immediate advice he claimed them a little later.

Akin, Summerville and Thomasville, all of which are admirable climates in comparison with Central or Northern New York to live in and for the most part the comfort of the consumptive during winter months, but the variations of climate is even there too marked, changes are too abrupt to be what is desired, the pine forests are no doubt beneficial and soothing by reason of the ozone and the sweet resinous odors of pine, especially is this true of bronchial troubles. The middle Southern States are better fitted to the nervous class than the consumptive.

The chief points of importance of climatic conditions, are first, what are the probable conditions that are most favorable to non-development, retardation or cure of the consumptive.

The first is dryness of air, freedom from micro-organisms, irritants and noxious gases, the largest amount of sunlight practicable, diminished barometric pressure, ozoniferous atmosphere. Chief of all a climate that admits of an outdoor life the largest possible amount of time, believing that outdoor life is positively essential and that an indoor life is positively destructive, and hastens to an untimely end. We are sure that high altitudes in a Southern latitude are the only safe resort and afford the advantages enumerated. Our understanding and observations are such that we believe that portions of the Republic of Mexico, the high table-lands at an elevation of from 3,000 to 5,000 feet above the sea level, offer more and better advantages than any other country, perhaps, in the world.

When all is considered, Mexico has climatic conditions suited to almost any possible condition that can exist; temperature and barometric pressure depending entirely upon elevation, as does also humidity and dryness there. In her high altitudes there is a positive freedom from sudden changes of extreme character by reason of the lofty and continuous mountain ranges that surround the plateau lands of the Re-

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public, which is not a feature of any other country in the world, to our knowledge.

Various countries have the desired land elevation, but do not have the mountain protection, consequently do not have the eveness of temperature required for an outdoor life of the invalid or a consumptive. In most of the mountain resorts of the world there are one or more serious objections to our recommending them as a constant home or even a temporary resort.

In northern climes, the extreme low temperature is inconsistent with outdoor life, a large share of the time, which of itself is a serious objection. The day is near at hand when no medical men can conscientiously advise cold climate for an invalid, much less the consumptive. Another objection to high altitudes in northern climates is the sudden fall of temperature, a thing that must not be encountered by an enfeebled constitution, if it would do well. We wish to repeat that a low, humid, hot country is equally detrimental or nearly so, to that of a cold, frigid one, for the consumptive. Portions of Mexico and New Mexico are certainly well adapted to certain classes of nervous cases and pulmonary conditions. Why? By reason of the high altitude that may be obtained, the air being aseptic, free from dust, irritation and low forms of organism or microbes, and by reason of rapid evaporation of morbid secretions in the lungs which is promoted by the reduced barometric pressure and the dryness of the air at the elevations named, and by the increased oxidation of the blood and tissue changes which are due to increased metabolism, largely dependent on the sun light of these high altitudes.

In high altitudes there is an increased frequency and freedom of the blood circulating through the lungs, hence increased metabolism and consequent tissue changes.

The increased activity and deep breathing attendant upon a life in high altitudes tend to improve nutrition.

Along with the local and general nutritional effects that are manifest from a stay in the high altitudes of Mexico, are the delightful stimulating effects upon the nervous system.

Still another noticable feature, one much to be desired, is the increase of red blood corpuscles and hemoglobin. Such blood changes are unquestionably due to the increased amounts of oxygen inspired in these high altitudes. Anemic conditions rapidly disappear in the sunlight of Mexico's high

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altitudes; rapid and remarkable improvement in the local and general conditions are coincident with the blood changes, in the consumptive that are transported from the sea level to altitudes of three or more thousand feet; this has been demonstrated by numerous careful observations in Europe, North and South America.

So far we believe the only successful means of combating tuberculosis, is by increasing the resisting powers of the system. Outdoor life in a mild, dry, climate, where the general health can be kept to the highest possible standard, offers certainly the best possible advantage and the longest immunity.

The climate of the high lands of Mexico certainly offers all that can be desired in point of climate.

I wish in calling attention to Mexico as a natural sanitarium, or portions of it, to add that the Republic of Mexico is a much misunderstood country; although near us, it has seemed to be a far off land, without merit, beauty, or other attraction; its inhabitants a people who are strangers to hospitality, who live within and for themselves, whose prejudices are so deeply rooted by reason of never to be forgotten unpleasantness, that cost them many lives and much territory, notwithstanding the United States after giving them the desperate whipping they did, and afterwards offering an apology for the act by paying them for the lands they had lost, has not wholly healed over the wound, and even now each and every Mexican feels called upon to see how unpleasant he can make it for a would be settler from the United States.

Such we are happy to say is not the case, but is a misconception. A more liberal, hospitable people are not to be found. Instead of repelling, they invite you to come; they ask that Mexico be better known; they seek investigation of their great country, the advantages of climates, etc.

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CAMP AND OUT DOOR LIFE AS AN AID TO THE PERMANENT CURE OF TUBERCULOSIS.

BY THOS. BASSETT KEYES, M. D., OF CHICAGO.

It is now conceded by many, both physician and layman, that hospital and sanitarium life for the treatment of consumption is a failure. Indoor life and treatment must now give way to out door camp and tent life.

It is now generally recognized and advocated by all physicians that outdoor life is the ideal one for the consumptive. Dr. P. H. Bryce, Deputy Registar General of Toronto, Canada, (the Canadian North West and Rocky Mt. Districts in the Treatment of Tuberculosis, Canad. Med. & Surg., 1896) says that "perhaps nothing has grown into such favor in the treatment of tuberculosis as the so-called air cure." Dr. Ransome in his excellent prize paper (Researches on Tuberculosis, 1898, London,) goes on to detail experiments which prove that fresh air, sunlight, and dryness of soil are inimical to consumption. He has nothing but praise for the open air treatment. Dr. Futcher, in his article (The Open Air Treatment of Tuberculosis, Phila. Med. Jour. 1899-II-1025,) says "The open air treatment of tuberculosis is now generally accepted as the one that has given the best results in the treatment of and in resisting the onset of this dread disease." Outdoor life has found great favor, especially among the European physicians, in Germany and Switzerland, where the cottage plan is in operation at several places.

The greater prevalence of tuberculosis in crowded cities and unventilated dwellings shows that these conditions are favorable to the increase and virulence of the specific bacillus, and it is also plainly evident that the disease pursues a more rapid course in large cities. Of all occupations those who lead outdoor life are less subject to the disease. These statistics prove that the agriculturalist is less subject to the disease than any

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other person; on the other hand those who are engaged inside in dusty work ,and where there is poor ventilation, such as those who work on cloth, printers, etc., are more frequently the victims of this dread disease.

That the city is not the place for the consumptive is proven by all post-mortem examinations of the lung tissue, for in those who reside in the city or large towns, the lungs are found of a darker color, discolored from particles of smoke and carbon which has been breathed into the lungs, while the examination of the lung tissue of those who have resided in rural districts is found free from carbon and of a more pinkish, healthy color.

Proof that indoor life leads to tuberculosis is found in the well known fact that wild animals do not stand domestication and confinement,but die of tuberculosis. In Lincoln Park Museum, Chicago, I am told by the head animal keeper, C. W. McKeran, who has perhaps had a larger experience in the rearing and care of wild animals, than any other man in America, that nearly all wild animals in the museums, come to their death from tuberculosis, and that rickets and other tubercular diseases, is the reason why most of the young ones die within a few weeks after birth. On the other hand wild animals in a state of nature escape this dread disease It is also well known that western cattle allowed to roam are not as subject to tuberculosis as those which are confined in barns, but that the disease is very frequent when the cattle are housed. The same fact applies to calves, for it has been noticed that calves descended from herds known to be tubercular, do not have the disease until confined in barns and sheds when they are very apt to take on the disease. That tuberculosis was due solely to confinement was not probable, as dry food stuffs which are fed to cattle are less nutritious and harder to digest, but that it was a principal factor it is evident.

We, as Americans, are living in homes, many of which are at times impoverished for pure air. These homes are artificially warmed by steam, furnace or stoves. The disadvantage of the first two being improper ventilation and of the latter while a large stove is capable of giving ventilation, it consumes a great deal of oxygen, an element so much needed by the system.

It has been demonstrated by experience that no amount of exposure to draft, cold, or wet, or any change in the weather will cause the weakest patient to catch cold so long as life in the open air is led. In camp life the patient is allowed to go out in the open air, or to sit with bare head in the sun. Each pa-

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tient should have his own tent, which should be placed over a well made platform of matched boards. In each tent there is a camp stove to maintain the proper degree of warmth. Only one patient should be allowed to sleep in a tent. Patients who are accompanied by friends necessarily have separate tents. Centrally there should be a large dining hall well made and divided into several rooms. Here the patients are supplied with proper prescribed meals. Each patient being under the personal care of a physician, such diet as indicated is given. The food prescribed should be rich in nutrition, and each patient over-fed, food being given in much larger quantities than the patient's appetite demands. For some patients special meals are given. Meals should generally include large quantities of milk from a selected herd, an abundance of fatty and farinaceous food, and moderate quantities of meat, also game and fish in abundance. Patients should be required to rest an hour before meals and an hour after each meal. The meals should be served at regular hours, viz: 8 a. m., 12 m. and 7 p. m.

What is called the treatment house should also be centrally located, and this consists of two large treatment rooms on the first floor and well ventilated pleasant rooms on the second floor, for the use of patients in case they should require more personal attention.

Each patient should be treated according to his special needs. In the first place patients generally suffer from catarrh of the stomach, and the best means to cure this is to wash out and irrigate the stomach thoroughly, using a double flow tube. This also by the action of the diaphragm and the muscles of the chest clears the lungs. In some cases I use hot-air conveyed into the stomach, through a stomach tube from a special devised heat generator.

In the treatment of tuberculosis I consider the following steps of the greatest importance.

1. Irrigation of the stomach to cure catarrh and to stimulate the pneumogastric nerve, and to promote digestion, and assimulation.

2. The correction of all abnormal conditions about the nose and throat.

3. Outdoor life and proper exercise.

4. A system of overfeeding together with proper tonics.

5. Careful watchful supervision by the physician, to meet demands as they may arise.

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There are many other adjuncts useful to the treatment of tuberculosis, which in a paper of this kind need not be mentioned, but of these let me call your attention to static electricity and ozone.

For this purpose a large static machine is used, to generate the ozone. A stock of all necessary drugs for the treatment of tuberculosis, and for conditions that might arise, particularly reconstructives, tonics and cod-liver oil and preparations of that kind together with preparations as pepto-mangan, etc., should be at hand in the camp.

X-Ray examinations of the patient's chest should be made once monthly and the improvement noted.

With this method of treatment patients gain rapidly in weight, averaging from 3 to 6 pounds during the first few weeks. Some patients gain 40 to 60 pounds, and it is not uncommon for them to gain 1-4 to 1-3 of their entire weight. The anemic patient becomes robust and muscular. The regular exercise develops muscle and the pleasant surroundings occupies the mind. The patient fishes and hunts, and with gun, rod and camera goes through a regular system of exercise Women are as fond of the outing as are the men.

By outdoor life the patient becomes strong and hardened to resist the atmospheric changes in temperature and weather, so that when they return to their city homes they have become robust and are not affected. By this treatment it is sought to maintain a permament cure.

To select a proper site for a camp naturally one in a warm climate for winter, and one in a northern state for summer will best meet the needs of the patient. The climate in Northern Wisconsin during the summer months is particularly suited to the consumptive and those of weak lungs. Statistics show this to be the most healthful summer climate in the United States, the great timber belt of the state, of which a large proportion is covered with balsam woods, including pine, hemlock, cedar, spruce and tamarack. It is well known among health seekers for its invigorating climate and generally healthful surroundings. One feels a difference at once in traveling from the southern part of the state, or from other states, as soon as he enters what is known as the pine belt of Upper Wisconsin. This section is also a sportsman's paradise, which, with its heavy forests and myriad lakes, offer opportunities for the hunter and fisherman which are unexcelled anywhere in the western country.

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The camp should be located where the soil is naturally dry and in such a position that the slope of the land will keep it well drained, so that the injurious effects of dampness will not be felt, and so that there will be no oscillations of underlying subsoil water. There should be plenty of sunlight, and movement of air. The advantage of sunlight to the consumptive patient is well known. It produces an haematonic effect. Perhaps the best location is found in the large pine belts of the North and South, as here there is plenty of ozone and a healing extract of pine seems to prevail in the air.

The tents should be large and of the heaviest of duck, placed well apart and built upon hardwood platforms, which should be varnished. The dining hall must be supplied with a plenteous table and everything of the very best.

The strictest sanitary conditions must be carried out. Each patient is impressed with the necessity of hygiene, he is not allowed to expectorate on the premises, but he is supplied with a Dettweiller pocket flask and the sputum is burned. Each patient acts as a special police, and should one be found to expectorate on the premises he is reported by another, but each patient is always faithful to his duty. In fact the patient must be under the supervision and well regulated care of the physician, for it is the experience of everyone who has visited the numerous resorts that little permanent good has been obtained unless under the supervision and treatment of a physician.

Under the strictest sanitary conditions, that in every way meet the severest test and demands of hygiene, and bringing into play everything that is elevating and stimulating, by using every means known to modern science as useful in the treatment of tuberculosis, and by a diet suitable to the purpose, then camp life is the ideal one for the comsumptive for these reasons:

1. It is inexpensive compared with hospital treatment.

2. It encourages exercise, producing much muscular development and a healthy appetite.

3. It affords pleasure and amusement (not afforded by indoor or Sanitarium life) and removes the patient from home surroundings with their many injurious influences, and consequences, both to patients and friends, into a healthy virgin district.

4. It toughens and makes the patient robust and thus helps to maintain a permanent cure.

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WHAT ARE THE MOST SUCCESSFUL METHODS OF TREATMENT?

BY DR. KARL VON RUCK, OF ASHEVILLE, N. C.

Gentlemen:—The opening paper on "Camp and out of Door Life as an Aid to the Permanent Cure of Tuberculosis," contains the remarkable preamble that "It is now conceded by many, both physicians and laymen, that hospital and sanitarium life for the treatment of consumption is a failure. Indoor life and treatment must now give way to out door camp and tent life."

This statement is the more remarkable at this American Congress for tuberculosis, when only eight months ago the Tuberculosis Congress in Berlin assembled for the chief purpose of giving aid and influence to the movement of establishing sanitaria for the consumptive middle classes and the poor; in full recognition of the excellent work heretofore accomplished by both private and public institutions, especially designed and conducted for the treatment of tubercular patients.

The author of this statement seems to labor under, or to convey, the impression that in Sanitaria for Consumptives the patients are confined to their rooms, and are actually deprived of the advantages and benefits from the open air treatment.

To correct such a misapprehension I desire to remind the distinguished author that proper "open air treatment" had its origin with special sanitaria for consumptives, and although change of climate was a recognized aid in the treatment of consumption centuries ago, the credit for systematic climatic treatment, or open air treatment, as a valuable therapeutic measure, and as now recognized by the foremost men in the profession and by the leading phthiso-therapists of all countries, belongs to the father of Phthiso-therapy, Dr. Herman Brehmer, and to his distinguished pupil, Dr. Dettweiler, the

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former respective heads of the Sanitaria for Consumptives in Goerbersdorf and Falkenstein.

Without considering the universally acknowledged lack of facilities of general city hospitals for the proper care of phthisical patients, I may say, that this lack lies chiefly in the want of open country, spacious grounds, piazza room for out of door life, and a sanitarium that lacks these facilities and does not take advantage of them, can not be spoken of as a sanitarium for the class of patients under consideration.

The evidence which the author adduces, as to the predisposition of those who lead an indoor life or who follow dusty, indoor occupations does, however, not necessarily prove that the out of door life is all that is necessary for the cure of tuberculosis, and for the difference in predisposition between an office clerk or a factory hand, and a farmer, we must also take account of the difference of exposure to infection. What applies to the mode of life in close confinement of men, applies equally well to domestic as compared with wild animals.

It would be folly and a wasting of words to controvert the fact that an out of door life, free from unreasonable hardship or exposure, is conducive to the best physical vigor, and climatic treatment of tuberculosis whether carried out in a special sanitarium of modern construction and with necessary comforts and conveniences, under a proper hygienic and diatetic regimen, or in a camp of tents as the author advocates, has this and this only for its object.

As to the preference for the well equipped sanitaria to the camp of tents and vice versa, there may be a difference of opinion, but having never conducted such a camp sanitarium myself, I can only mention my misgivings, and if I am wrong, I shall be grateful to be corrected. The only advantage that I can now see for the camp of tents over the modern sanitarium is the cost of construction and maintenance, but this is largely offset by other considerations which appear to me quite valid.

Of my misgivings I may mention the want or difficulty of obtaining a proper and unfailing supply of necessary stores and provisions, especially of abundance of fresh meats, milk, cream and butter, and if these are available from a distance, then arises the difficulty of proper facilities and conveniences for their keeping, especially in warm weather.

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The difficulty of keeping the camp in a perfectly sanitary condition.

The danger of contracting colds, and catarrh especially to weakly and delicate patients and even to those still of fair vigor, when an abrupt change is first made.

The difficulties that must arise in the management and dietary of cases having active symptoms and complications.

The necessity of shifting the camp a long distance for different seasons of the year.

But, granting that all these disadvantages are overcome, I see no material gain in other directions. A well constructed and properly equipped institution, located in a favorable climate, can carry out the climatic treatment every day in the year, it has facilities to do this in the coldest weather, in rain, wind or sunshine.

Patients who seek recovery from phthisis are, as a rule, sick. They often have fever, and night sweats, poor appetites, and impaired digestion, they have frequently been confined to their houses, rooms or bed for considerable periods before they seek climatic and other appropriate treatment, and it would seem to me to be a badly chosen time, to start out in the camp and tent life at such a stage of their illness.

A special institution can bring about the change in a more gradual and safer manner, and can afford its advantages to cases having acute processes, in the treatment of which the comforts and conveniences of a modern building are indispensable.

It is not only in the tent of a camp that patients can have all the out of door life that they need for their best interests, and the same is true of proper rest and exercise. The only difference of also sleeping in a tent instead of in a comfortable room, well lighted and ventilated, seems to me in favor of the latter. At any rate sleeping in a tent is not a requisite to the maintenance of the best of health nor to its recovery when it has been lost, and apart from this, a good sanitarium for tubercular patients affords everything else and more than the camp could supply. Moreover, it could easily provide the tent also for selected cases if there were any good reason for having it.

I cannot but agree with the author as to the neccessity of constant professional care and control of phthisical patients, and of strict individualization for each case. I doubt, however

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the utility of over-feeding so long as the patient takes all the nourishment that he can possibly digest and assimilate.

Such efforts have usually proved dismal failures, and a better way, in my own practice has been found, in the removal of the anorexia, if it exists, by giving due attention to its cause.

Patients who are free from fever and from disorders of the digestive organs, and who avoid excesses in drink and food, usually maintain a good appetite and gain in weight and strength if their general care and treatment are correct. The only tonics that they usually need is plentiful fresh air and sunshine, good food, sound sleep and the proper amount of rest and exercise which is requisite or permissible for the individual case.

But with all these advantages, pulmonary tuberculosis is not so readily cured as is frequently supposed, and while the fever may disappear, and the cough may subside; while the patient may have regained his strength and consider himself well, he often abandons the required regimen too soon.

If at such a time we apply a tuberculin test, we usually find that the supposed cure is after all only the advent of a latent stage.

If such a patient return to his former home, the out of door life is likely to be given up, or greatly restricted. Resuming his former social and other cares and responsibilities, especially under less favorable climatic conditions, he soon begins to lose ground, and after a few months more, he is liable to be where he started the year before.

To obtain permanent results means to give nature an opportunity to cause fibroid transformations of recent and the effectual encapsuling of older or caseous tubercular deposits, and for the healing and cicatrization of open cavities. This is not accomplished by a short season of camp life, nor by open air treatment even in an institution, and such a result must not be assumed, because the general health has been restored, or the general symptoms have for the time disappeared.

To pronounce a patient actually cured of his tuberculosis, he must not respond to a full test dose of tubercle toxins, and to accept the ulcerative phthisical processes as healed and cicatrized, there must have passed at least a number of months during which the physical examination in the absence of cough and expectoration justified such an assumption.

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Under climatic treatment alone quite a number of years are often required for the complete encapsuling and obliteration of the present lesions, and before this is accomplished incidental inflammations in the lungs from colds, grippe, pneumonia, etc., may again change the latent process into one of ulcerative phthisis.

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EXTERMINATION OF THE HUMAN RACE BY TUBERCULOSIS; ITS CAUSES, ITS EFFECTS, ITS PREVENTION, AND CURE.

BY FRANCISQUE CROTTE, A. M., PH. D., OF PARIS, TRANSLATED FROM THE FRENCH BY DR. F. T. LABADIE.

It is scarcely 50 years since tuberculosis is really known, that is to say that it has taken a development and is spreading with alarming proportions. To look at the statistics in Europe is enough to give us a shudder when we see that in England, especially in London, about 75 per cent. of the population are suffering from this terrible scourge; in Russia 40 per cent., in Germany about 35 to 40 per cent., in France 30 to 40 per cent., in Italy and Spain 35 to 40 per cent., and in America 50 per cent. The countries near the North Pole are the only ones almost safe from this disease, and there are even some northern countries where this modern plague is unknown.

This disease has only lately been better known—more especially since the time of Pasteur and since Koch has discovered the bacillus. The ancients used to call it "the disease of languor."

This scourge making its ravages, increases every day, and threatens even to extinguish the human race, very rapidly. In nearly every family there is one or several victims, and if half of humanity is contaminated, the other half is trembling and does not know how to protect itself against the invading plague.

The causes of tuberculosis are numerous and they can not even be determined. Somewhat of a mystery surrounds it. Today it is a man strong and vigorous who, according to appearances, would live many years, who is taken suddenly with hemoptysy, night sweats, fever, etc., and shortly develops all signs of hasty consumption; nothing can stop the disease which leads him to death. It is a surprise to everybody and

Read before the Medico-Legal Society in joint session with the American Congress of Tuberculosis, February 22, 1900. Discussion of first and second questions.

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the question is raised how it was possible this strong man could have succumbed to tuberculosis.

It is believed that only sickly and anaemic persons may suffer from this malady. This is an error. Anyone may be subject to it.

Another time, it is a child born tuberculous, and yet his parents have good constitutions and are in good health.

Finally, and most frequently, tuberculosis is insidious and the patient passes through the three degrees without much suffering, hardly knowing that by expectorating day by day the substance of his lungs is thus constantly diminishing. He contaminates his relatives and friends, and as a last resource he is sent to another climate only to contaminate again his surroundings, and to die slowly with all the horrors of death, leaving behind him sorrow and despair.

In spite of these conditions, of all these dangers, no serious precautions are taken for protection. The public is constantly facing the enemy, not being even aware of its danger and of the many sources of contamination by which it is surrounded, for instance the business houses where many employes breathe the same vitiated air, of overheated rooms where often quantities of merchandise are stored up covered with dust and all kinds of micro-organisms; the small apartments without any air, never cleaned, repaired or disinfected, where often one or more patients suffering from tuberculosis has lived and died; the berths in the railroad cars where tuberculosis patients of all degrees have slept when on their way to seek relief in other climates; the glass or cup in public places used by everyone; in hotels, the beds, the carpets, the curtains, soiled by the sputum of ignorant or indifferent patients; all these are constant sources of contamination.

One of the great causes of contamination is the use of raw meat, or meat which is not cooked enough, owing to the fact that, in spite of all precautions taken, many cattle suffering from tuberculosis are put on the market. Danger also lurks in the milk given to our children.

The disease does not belong to the human race; it belongs to the bovine race. Vaccine from child to child or taken from non-immunized or tested animals, as it has been done formerly, was also one of the principal sources of contamination.

Syphilis is the real source of many of the plagues which threaten humanity. Since the 15th century when it appeared

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in its entire and new virulence, it has entered into our blood constantly with every generation, diluted so that it has lost much of its immediate danger, and thus has given birth to other maladies like anaemia, scrofulosis and general tuberculosis.

Rarely a young man who leads a so-called bachelor life has escaped having a venereal accident of some kind and whatever is said of blennorrhoea it certainly is in some way syphilitic, and although appearing to be entirely healed, yet in reality is never cured; the virus remains in the prostata and thus it happens that, when married, to the surprise of all scrofulous children are born.

Another cause for contamination of tuberculosis must be mentioned the danger of which is not sufficienty considered. It is the woman who, with her long skirts, wipes up from streets, from cars, public places, etc., etc., numerous bacilli resulting from the sputa of careless patients which are thus carried into her home, where children and other members of the family are thereby exposed to contamination.

We may say that the enemy is everywhere, invisible and waiting for the opportunity to develop; we are without defense by ignorance of the danger, to stop the ravages.

To stop the ravages and the spreading of tuberculosis, energetic measures must be taken the same as for epidemics of other contagious diseases. The government and the Board of Health should intervene; in each state, in each county or city a committee should be elected ordering every citizen to be physically examined; the sputa should be analyzed and a thorough examination of the condition of the lungs made. This is done to protect us against small pox. Why not take the same measures against the equally terrible plague, tuberculosis? Thereby we would know where the enemy lies and energetic measures could be taken to disinfect the dwellings, treat and send the patients into hospitals or sanatoria, thus separating them from those yet free from the disease.

Consumption is curable, absolutely curable; the proof has been made.

The meeting of today is devoted to a generous and laudable task, to stop, if possible, this terrible scourge and the questions to be discussed are wise and practical.

The principal question is to search for the best way to treat tuberculosis by the most modern method.

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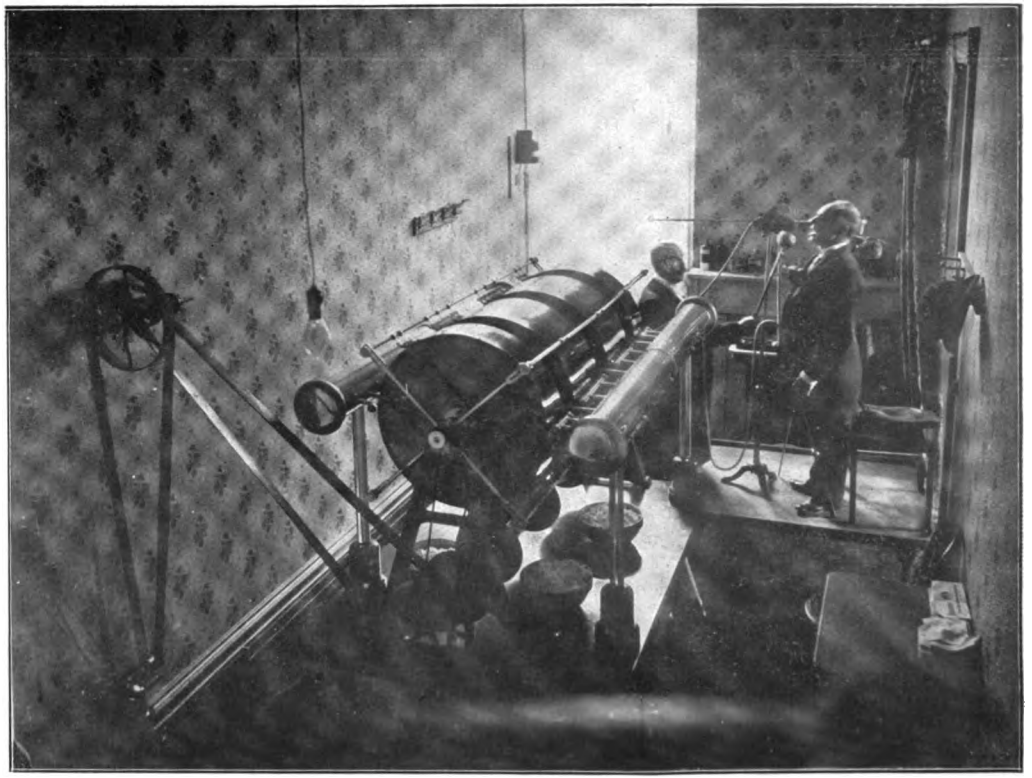

FIG. I. Static Machine of high tension with ebonite cylinders made in Paris for the transfusion of antiseptics.

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In Mr. Crotte's opinion, based upon an experience of 20 years, sanitariums must be situated in localities where the air is pure, free from fog and mist, sheltered from winds, not at too high an altitude, not too near the sea, but yet near enough to receive the salt air without its harshness and intensity. This air stimulates the appetite and is also antiseptic.

An altitude above 4,000 to 5,000 feet is not suitable. At Davos Platz in Switzerland where the altitude is about 4,500 feet there are more than 50,000 patients treated. They feel very well; the pure ozonized air causes them to breathe with ease, but when the patients leave the place and try to descend blood frequently flows from nose and mouth and they find it impossible to stand the heavy atmosphere natural to the low altitudes. To send patients to those sanatoria means to bury them alive and to separate them forever from their families.

The sanatoria can be very spacious and contain from 500 to 1,000 rooms, exposed to the sun. These rooms must be constructed in such a manner as to facilitate the distribution of air charged with ozone, and especially with the vapors of formaldehyde which with certainty destroys such bacilli. The rooms should always have the same temperature;the air should be renewed day and night; the bacilli must be fought constantly with an antiseptic atmosphere to prevent them from creating their toxins and allowing thereby the diseased lungs to heal. The patient should eat nitrogenous food and in as great a quantity as possible. To this food phosphorous substances should be added which are necessary to reconstitute the lungs which in the case of tuberculosis always lose this principal element.

It is always well to occasionally change the climate; however consumptives may be cured without this change. I consider all hypodermic injections and serums innoxious and sometimes dangerous. If a vaccine against tuberculosis could be found, as the vaccine against smallpox, an aim would be attained, as it might prevent the disease; but what effect can be expected from an injection in reference to a cure; how could it serve to heal cavities in lungs of which the substances are in a state of decomposition.

To obtain this end a local treatment is necessary; we must reach the lungs directly without danger to the patient. Electricity alone is the marvellous agent by which we can gain this result; this wonderful agent has the power of passing

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through the skin, the bones, even the brain without ever injuring the patient.

Emile Gautier, of Paris, the distinguished literary writer, has said, "I know many methods which by their inventors "are claimed successful but I know only one which has really "given results, it is that based upon electric static currents "of high tension transfusing medicaments and antiseptics "through the pores of the skin, together with inhalations of "formol, thus reaching the seat of the malady and enabling "thereby the successful treatment of the diseased parts of the "body, I mean in one word, the method of Francisque Crotte."

The same Emile Gautier cites many cases of cures known to him personally and certified to by many known physicians in Paris, such as Dr. Bertheau, Dr. Malsang, Dr. Decan, Dr. Guidez, etc., etc.

Electricity carries with it the antiseptics, just as galvanoplasty is used to carry the metals. In medicine its use is still in infancy; every day it reveals to us surprises. Since 1893 when he communicated his report to the Academy of Science of Paris on his method for the cure of consumption and the results accomplished, he has obtained, with the aid of distinguished physicians, numerous cures. Since he has been in America he has also obtained very good results and we can cite some physicians who are much pleased with the method.

Crotte treatment consist, 1st, in inhalations of vapors of formol; 2nd, in transfusion or transport of antiseptics by static currents of electricity of high and medium tension.

The first operation consists in the disinfection of the patient by ablutions with a solution of formol. After this, and when the pores of the skin are open, we let the static currents pass by connecting both poles on the lungs, that is one pole on the chest and the other on the back.

Fig. 1 represents the static machine made in Paris specially for the transport of medicaments. In Fig. 2 and 3, sponges saturated with other antiseptics dosed according to the case are applied on the skin for about ten minutes and we permit the currents to pass for the transport. In this manner the bacillus is absolutely destroyed, and if its reproduction were not so rapid, a few treatments would be sufficient for the cure, but it is necessary to apply the treatment every day in order to prevent the new comers from creating their toxines, the initial

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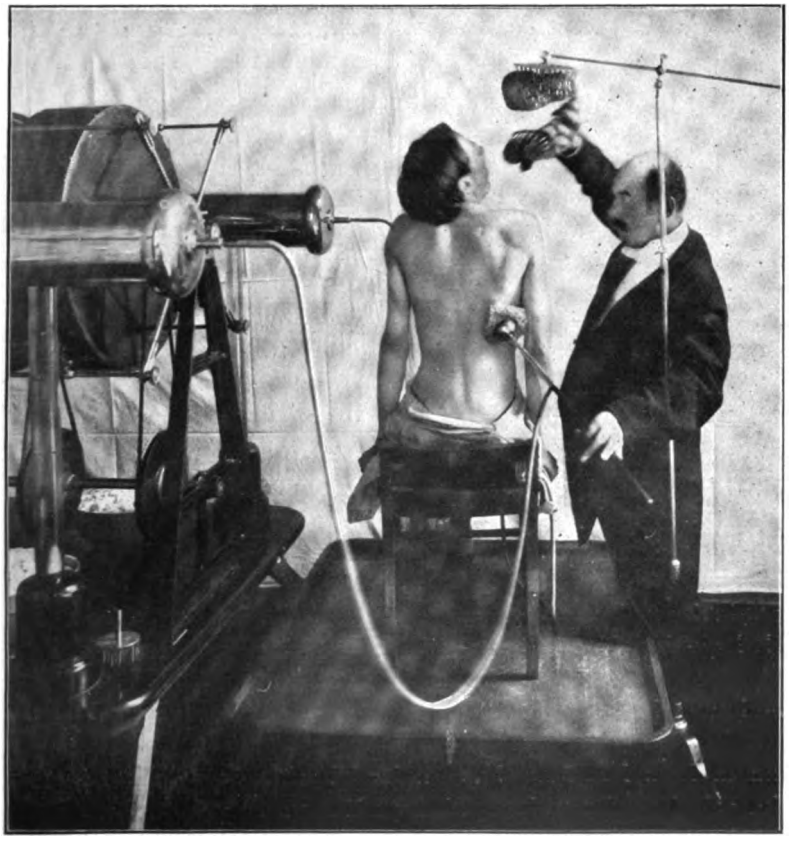

FIG. II. Transfusion of antiseptics into the lungs by inhalation.

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FIG. III. Transfusion of antiseptics and disinfection alternating both poles.

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cause of hectic fever, of the poisoning of the blood, and of the decompsition of the pulmonary substances.

There is no possible room for doubt. The transfusion of mendicaments through the pores of the skin by electricity is an accomplished fact.

Analysis made by Dr. Wolf, Bacteriologist of Women's Hospital, New York City, who has ascertained the presence of formaldehyde and of iodine in the lungs and other organs after the transfusion of these medicaments into the bodies of animals by static currents of electricity.

NEW YORK, September 9th, 1899.

MR. FRANCISQUE CROTTE,

***Dear Doctor:*—I removed the lungs of the guinea-pig you treated with the iodine, extracted same with distilled water and chlorine water, the same acidified and shaken with carbon disulphide; I obtained a marked violet-red coloration showing the presence of iodine.**

No. 4272. (signed.) A. WOLF.

NEW YORK, September 9th, 1899.

MR. FRANCISQUE CROTTE,

***Dear Doctor:*—I removed the lungs of guinea-pig you submitted to the formaline treatment; extracted same with distilled water, distilled the extract, treated the distillate with a drop of very dilute phenol and poured same over strong sulphuric acid. At the point of contact of the two fluids, I observed a faint but positive pinkish coloration showing the presence of formaldehyde. The organs of this animal showed a marked form of preservation, not the slightest evidence of putrefaction being evident.**

No. 4273. (signed) A. S. WOLF.

The above reference to the preserved condition, of the specimens, after lying four days in the bottles, without alcohol or other preservative, is another proof of the presence of *formaldehyde*, which prevents putrefaction.

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A STUDY AS TO THE CAUSE OF TUBERCULOSIS AN IMPORTANT FACTOR AS TO ITS TREATMENT.

BY B. F. LYLE, M. D., CINCINNATI, OHIO.

As physical depreciation is an important, if not an essential factor in the propagation of consumption, the avoidance of habits and methods of living which favor this condition, is a self-evident necessity if we wish to avoid the disease or promote its cure.

While faulty environments have a debilitating influence on persons, we also learn, from the investigations of Prof. Ransome and others, that these same conditions favor the continuation of the existence of tubercle bacilli outside the body and may even favor their growth.

From the bacteriological experiments of Dr. Denison we learn the capability of altitude in inhibiting the growth of bacteria, and its advantages because of this and other reasons. Still the search for a locality or climate where consumption canot be acquired, has always been in vain. The large percentage of persons infected with the disease makes it a pecuniary impossibility to hope to secure for them the benefits of a removal to more suitable climates.

The disease is with us to stay until we can, by aid of an intelligent and enlightened public opinion, accomplish its eradication. For consumption, like all other infectious diseases, is a filth disease and consequently a preventable one.

The universal prevalence of tuberculosis indicates that all are exposed to the influence of its exciting cause. That, as a rule, only those of natural or acquired physical inferiority succumb, proves the necessity of having perfect and healthy bodies.

As causes predisposing to the disease we will consider heredity, age, sex, race, occupation, food and environment, not taking up the potent influences of syphilis, intemperance,

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trauma, and the debilitating and inviting influences of bronchitis, pneumonia, influenza, and other diseases.

HEREDITY:—Since the publication of Squire's paper, the importance of heredity has not been given the consideration it no doubt deserves. As Baumgarten suggests, the presence of tuberculosis may be, and no doubt is at times, due to direct transmission from the mother.

The following case, which has not yet been published, is an illustration. Betty P., colored, female, single, aged 32 years, was admitted to the Cincinnati Branch Hospital for Consumptives, December 15, 1899. She stated she had been sick for two years and had had attacks of hemoptysis during the whole of that period. She had had frequent night sweats for the past twelve months. A child eighteen months old had died four months previous to her admission. She was in the last month of pregnancy. On December 15 her child was born, and on the 17th she died. Post mortem examination revealed a large number of cavities in the upper and middle lobes of the right lung and consolidation of the remaining lung areas.

The child weighed three and one half pounds at birth; when it attained the age of two months it weighed five pounds; its weight then declined to four and one-half pounds; it died March 3, 1900, aged 78 days.

The postmortem showed the lungs, liver and spleen filled with myriads of caseous tubercular deposits. The kidneys also contained a few caseous masses in the cortical substance; the bronchial glands were very large;the intestines and mesenteric glands uninvolved. Tuberculosis has been produced experimentally in the young of mice by injecting tubercle bacilli in the pregnant mother.

We have good reason to suppose if the number of bacilli transmitted is small the child may be able to cope with them successfully until an attack of measles, whooping cough or other exhausting disease, turns the scale in the wrong direction.

From the consideration of heredity we learn the importance of not only isolating the patients from all possible sources of infection, but the necessity of attempting by hygienic measures and medicinal agents to increase the physical well being of the patient.

The case cited also proves the necessity of adopting some

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legal steps to prevent the marriage of tuberculous persons, as my patient was able to successfully carry and give birth to two living children while a victim of the disease.

AGE:—Sanitary laws, and increased knowledge of sanitation and hygiene, have produced great results in diminishing the deaths from consumption during the past forty years, the difference between the first and last decade being thirty-six per cent. (These are Eglish statistics.) This effected chiefly the most productive age periods. Between 15 and 30 years, or early adult life, the diminution is 52 per cent. This marked improvement is due largely to the removal of the sources of the so-called "aereal sewerage."

Like changes have not occurred in the mortality rates of intestinal tuberculosis. Here the reduction has only been 8.5 per cent. for all ages, 3 per cent. between the years 1 and 10, while under one year of age there has been an increase of 21.7 per cent.!

These statistics indicate the happy results of having improved work shops and homes, and the unfortunate consequences of lack of proper measures to prevent the giving to the young the milk of cows which are tuberculous. About forty or fifty per cent. of the milk cattle in the populous parts of the country are in this condition.

SEX:—It is impossible from hospital statistics to judge the relative frequency with which the sexes are affected, as women are less apt to apply to hospitals for treatment when sick. Judging from the fact that the larger number of females affected are between 20 and 30 years of age and the larger number of males are found in the following decade, we may infer that females are able to offer less resistance to the attacks of the disease.

Race seems to exercise some slight influence in this respect, as we find the majority of cases in colored people, occur at an earlier age than they do in the corresponding sexes of the whites. This would indicate an increased susceptibility.

OCCUPATION:—The record of 300 males admitted to the Branch Hospital, after excluding laborers and teamsters, show the following as occupations which seem to have a deleterious effect and the number who followed them: stone-cutters and masons 12, barbers 10, porters 9, cooks 8, bartenders 8, clerks 8, shoemakers 7, waiters 6, painters 5, molders 4, machinists 3, tailors 3, broom-makers 2. Owing to the compara-

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tively few men in our city who are cooks, the number admitted is very large. This is no doubt due to the fact that they work in dark, illy ventilated rooms, which are filled with moisture and are super-heated.

The deleterious influence of the stone-cutters' trade has long been recognized.

Two of the four Hebrews admitted were tailors, the occupation of cleaning and repairing clothing offering many opportunities for infection.

ENVIRONMENT:—The deleterious influence of lack of sunshine, damp houses and poor ventilation is self-evident. Its importance, however, is not fully appreciated nor the responsibility of house owners recognized. When a patient is admitted to our hospital we have been in the habit of indicating the place of former residence by placing a dot on a map of the city. It is almost startling to notice how the older portions of the city and the houses along the river, canal and hillsides are indicated. From one house we have received four patients, all from separate families, from two other houses we have received two each.

A newspaper reporter, having seen the map and, being animated with a philanthropic desire to warn his fellow citizens, secured a copy. After having it photographed and a plate made, he prepared an article extolling the advantages of proper sanitation. With commendable pride he showed it to his chief, who ordered the plate melted and the article destroyed, giving as his reason his inability to protect himself from the clubs and invectives of the infuriated property holders. Truly this is not Altruia!

FOOD:—The importance of a proper dietary for the prevention as well as the cure of the disease is self-evident.

A lady of our city recently went into one of the small groceries which supplies people of one of the districts just mentioned with food. Her object was to learn the variety and kinds of food purchased. She was informed that bread and molasses, seconded by potatoes and cabbage, were chiefly sold; these were supplemented by beer obtained from a neighboring saloon. Lack of proper nutrition, caused by the adoption of such a ragimen, is no doubt a potent agent in promoting the increase of the disease under consideration, as well as intemperance.

In this city, as in many others, societies are found, the

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purposes of which are to instruct the ignorant what food to buy and how to cook it. Instruction is also given in an unobtrusive way of the advantages of cleanliness and cheerful homes. If we hope to diminish the spread of tuberculosis it will be necessary to multiply these methods.

Of the 300 men received into the hospital, five have each lost a leg; besides these, many other patients have been inmates of either the surgical or medical wards of hospitals. The cause of the disease in their cases is obvious and can only be removed by excluding from all general hospitals patients who have tuberculosis.

This is the course pursued by the Cincinnati Hospital, and its advantages redound not only to the benefit of those who are removed to a more suitable location; but also to those who are protected from an infectious disease during periods of prostration, accompanied by diminished resisting power.

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A REVIEW OF THE MODERN TREATMENT OF PULMONARY TUBERCULOSIS.

BY M. J. BROOKS, M. D., PULMONARY SANATORIUM, STAMFORD, CONNECTICUT.

Results are determined by the direction and sufficiency of effort. Their value is measured by the benefit conferred upon society at large. That the century now drawing to a close has been replete with meliorations, cannot be gainsaid. That the medical profession, as a body, has largely contributed to this end, must likewise be admitted.

In consonance with fundamental irrefragable forces of evolution, progress obtains along every line of human endeavor; but I sometimes have thought, that much of the science of medicine, if judged by the standard of accomplishment, has scarcely kept the stride. Consumption, for instance, is as fatal, as prevalent, proportionately, today as prior to the Christian Era. It was, it is still the greatest scourge of the human race. It has destroyed more lives; caused more suffering; more sorrow, than all the wars of history. It has caused more deaths than pestilence, or the plagues that have devastated the earth. It causes more deaths than all other infectious diseases to which flesh is heir.

In the domain of etiology, pathology, hygiene, and sanitation, very much has been accomplished, but therapeutics, a guage of effort, it has seemed to me, lags somewhat behind.

True, pulmonary tuberculosis is curable today in its earlier stages. So it was five hundred years before Christ, if we are to believe Hippocrates when he said that consumptives, if treated *ab initio*, may recover. But we are powerless today as the earliest pioneer in the presence of advanced cases.

Haeckel's axiom regarding nature's reversion to the simpler primordium still holds good. After twenty centuries of drug experimentation,—and here permit me to state, parenthetical-

Read before the Medico-Legal Society as a contribution to American Congress of Tuberculosis, March 21, 1900. Discussion of second question.

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ly, that there is no drug mentioned in the pharmacopoeia that has not at some time been vaunted not as a mere remedy, but as a specific in the treatment of this disease,—I repeat, after twenty centuries of more or less empiricism the fundamental basis of the modern treatment of pulmonary tuberculosis rests upon the simple hygienic factors promulgated by the early pioneers in the field of medicine. If proof were requisite Knopf's data should be sufficient.

Isocrates, a contemporary of Hippocrates, later, Montano, Galen, Lazare, Riviere, Morgani, he of hydatid memory, Boerhaave, Avicenna and others recognized the contagiousness of pulmonary tuberculosis, with all its implications and consequent deduction of isolation or at least environment change. Osler affirms that the belief in the contagiousness of this disease may be traced without interruption from the days of the early Greek physicians through the Latin races to the present time.

Littre tells us that Aretaeus several centuries before Christ based his treatment upon rest, massage, milk diet and change of environment. Pliny was a firm believer in the value of actinism. He was likewise, perhaps, the earliest advocate of the pine products which have played so prominent a part in the treatment of consumption. He likewise had faith in the air of pine forests. Galen and Avicenna pleaded earnestly for pure air, and Celeus laid great stress on fresh air of country. In the middle ages Silvius is found describing with fair accuracy the pathology of the tubercle; Baglivi deploring the inefficiency of medicinal remedies and Montano maintaining the infectious character of the spurum.

But the centuries of drug experimentation since has not been without value. There is good in all things. Through the vista of shadow bright points may be seen. It has at least afforded us a clearer conception, a broader comprehension, a more facile applicability, perhaps, of the fundamental, physiologic, hygienic, common sense essentials of our earliest predecessors.

Out of confusion some order has been evolved. Upon the threshhold of the twentieth century, the scientific element of the medical profession of all lands stands firmly united upon a rational and systematic basis of therapy, with at least keen apperception of its paramount importance and with a clear and accurate appreciation of its etiology and pathology. Truly we have reason to be most sanguine as to the immediate fu-

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ture. We have reason to be most sanguine, but let us not jeopardize the good to be accomplished through united effort, in the crusade against tuberculosis, by undue optimism. We have as yet no specific for consumption. Col. Chancellor and others to the contrary notwithstanding. As Dr. Bowditch, of Boston, said the other day, "In the enthusiasm which marks the beginning of every new movement we have to meet the inevitable errors of judgment and exaggeration of statement which if not anticipated, will surely detract finally from the merits of any cause. Where popular interest is excited, as in this case, these dangers are more than doubled."

Pickert (Munchener Medicinische Wochenschrift, June, '99) likewise deplores this wave of unwarrantable optimism. An absolute cure, he says, in the sense that the pathogenic agent is absolutely eliminated or rendered so harmless in the body that in order for the disease to redevelop a new infection is necessary, is only possible theoretically. In practice only a relative cure is attained, as a rule. And Prof. Kobert, of Rostock, adds, sententiously, that in miliary and galloping consumption no therapeutic method whatsoever can save the patient.

The so-called modern treatment of pulmonary tuberculosis had its inception with Dr. George Bodington, of Warwickshire, England, over fifty years ago. He, indeed, was the father of the sanatoria treatment for this disease. He conceived the idea that physiologic regimen and the several hygienic adjuvants could best be carried out under constant, sincere, painstaking supervision. His system embraced every essential detail of modern methods, but it was a departure from the general trend of the profession and he received little encouragement from his colleagues. Ten or fifteen years later Herman Brehmer, often erroneously termed the Father of the Movement, established his celebrated institution at Goebersdorf. He, however, met with more success. Other institutions shortly followed. So after fifty years experience and careful study of the results, the master minds of all lands are at last of the unanimous opinion, that if the disease is to be eradicated such a consummation can only be obtained through the establishment of sanatoria under efficient medical supervision.

Under close analysis however much that was formerly considered necessary to sanatoria treatment has been eliminated.

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It has been found that climate, altitude, and atmospheric pressure are unessential. Detweiler, of Falkenstein, is said to have expressed this view twenty years ago. Felix Blumenfeld's extensive observations established the fact beyond the peradventure of a doubt. The fundamental factors are embraced in the systematic hygienic and diatectic regimen under constant medical supervision and all that such implies.

The ablest authorities now agree that the treatment of consumption to be of practical value must be carried out in juxtaposition to centres of habitation. Patients must be cured in the locality where necessity compels them to live.

In Germany, where sanatoria for consumptives have reached the highest number these institutions are most keenly appreciated. Von Leyden, Gerhard, B. Fraenkel, Von Leube, Von Leibermeister, Von Ziemssen and Landesrath Meyer are among the strongest advocates.

That climate is not an essential factor was the consensus of opinion of the International Medical Congress held at Moscow in 1897.

Dr. Pannwitz, General Secretary of the Tuberculosis Congress of Berlin, in his report says: "That the Society of the Red Cross, by establishing a hospital on the Grabow Sea in North Germany, has contributed most toward proving the fact that tuberculosis can be treated successfully anywhere without regard to climate."

The results obtained by Barr, of Nice, Soulier, of Algiers, Rachitici, of Milan, are equal in every respect to those of Andvoord, at Tonsaasen, in Norway, or Gabrilowitch, in Finland.

That elevation is unessential to treatment the same authorities aver. In addition reference should be made to Hueppe's article in the Berlin Medicinische Wochenschrift of May last. Dr. J. Edward Birmingham, who has given some study to this aspect of treatment, is of the opinion that elevation has no influence whatsoever over this disease. He maintains that patients do as well at sea level as high altitudes, and Knight, Otis, Shaper, Braine-Hartwell Birmingham and others, have recently expressed similar views. Dr. J. C. Adami, replying to Trudeau, at a recent medical meeting, expressed the opinion that the good results obtained at the Adirondack Sanatorium were due solely to the rigorous carrying out of systematic hygienic regimen.

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As to atmospheric conditions the late Prof. Sir Thomas Granger Stewart, British Delegate to the International Congress, said in his address, "Even in Edinburgh where we are not unfamiliar with rain and mist and east winds, sanatoria treatment is carried out in the "Victoria" as it is on the beautiful slopes of the Taunus, and with results as satisfactory as those of Dr. Detweiler and other workers in German sanatoria."

From time to time various modifications of sanatoria treatment have been suggested, tried and for the most part found wanting. Thus the Swiss chalet or cottage system has been found inferior to institutions under one roof. Constant guidance, medical supervision and advice, hydrotherapeutic measures, proper nursing and watching in order to eradicate careless habits and inculcate good ones, attention to hygiene and disposition of sputa, disinfection and prophylaxis, enforcement of strict routine, and individual symptomatic treatment at the proper time, all of which are of paramount importance, cannot be carried out to the best advantage under the cottage system.

An outing as suggested by Keyes, of Chicago, for the treatment of pulmonary tuberculosis, is obviously no substitute for sanatoria treatment. Every essential scientific detail is necessarily precluded through absence of proper material and equipment. The scheme has absolutely no scientific advocate.

In the light of our present knowledge the following qualities are deemed indispensable for a sanatorium.

1. There should be a good southern exposure.

2. The soil should be well drained and preferably of gravel. It is, of course, essential that the foundation should be dry.

3. There must be free access of sunlight.

4. The "camp" for the "Liege und Dauerluftkur" should be situated in the open, but protected from north and east winds. Glass covers to the verandas are not necessary.

5. There should be facilities for walking, preferably through woods, and if possible up a slight incline from sanatarium so that homeward journey will be down hill. There should be facilities for resting at easy distances.

6. The diet should be most carefully regulated. Feeding should be slightly in excess, but the food should be well

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selected, nutritious, temptingly served and, of course, properly cooked.

7. There should be large, airy, individual sleeping apartments, acording free admission of sunlight.

8. Every patient must be provided with an individual spitting-cup, and forbidden upon pain of immediate dismissal to spit anywhere else.

9. There should be withal scrupulous cleanliness, adequate service, and regular disinfection. The furniture should be somewhat severe. Carpets, brooms, and hangings have no place in a well organized sanatorium. Cloths dampened with antiseptics, should be substituted for dusting.

10. There should be a routine of occupation, together with simple diversions, to prevent introspection.

As to adjuvants to sanatoria treatment, mention should be made of inhalation by Professor Kobert of Rostock, in his address before the Berlin Congress, maintained that inhalation is as important as hydrotherapy. Meissen, Von Schrotter, J. Lazarus and others affirm that no sanitorium is complete without its inhalation chamber. It is the feature of most German institutions, particularly the Alland near Vienna, and Hohenhonnef institution on the Rhine. Antiseptic and the aromatic hydrocarbons of the turpentine group are the ingredients generally used. They are administered by syphon or comminuter arrangement with compressed air. Osler believes that the compressed air is of the greatest value *per se*, and states that under its use there is a gain in weight, improvement in appetite and a reduction of fever.

Having given special study to this accessory, I believe that excellent results are to be had by charging the atmosphere of the institution with antiseptics by means of a vacuum pump or engine. I do not believe that medicated air directly destroys the tubercle bacilli, although it certainly tends to inhibit their growth. P. Lacroix, however, (British Medical Journal Oct. 14, 1899) positively asserts that experimentally he has shown that medicated air is absolutely capable of destroying both the tubercle bacilli and microbes of mixed infection. Dr. Penrose, in his paper read before the Johns Hopkins Medical Society upon the 5th inst., asserts that the antiseptic action of inhalations is manifested by the rapid disappearance of pus organisms from the sputum

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In brief, the claims for inhalations are as follows.

It destroys much of the mixed infection, limits toxine necrosis, diminishes septic decomposition, loosens and facilitates the removal of alveolar and tubular exudations and allays local tissue irritation.

Of the necessity of hydrotherapeutic measures in the treatment of consumption, there can be no question. Hydrotherapy however, should be systematically and rationally carried out in sanatoria treatment, as part and parcel of daily routine.

Nauheim baths, so intimately connected with the name of Schott, have been found valuable in its application to pulmonary tuberculosis. Of course, minus the gymnastic resistant exercises. It certainly steadies an intermittent pulse, tends to relieve visceral engorgement by promoting a superficial capillary congestion. It is a superior substitute for the pneumatic cabinet.

No medicinal agents whatsoever that can be administered subcutaneously or *per oram*, have any favorable action upon tuberculous processes. Creosote, guiacol and the like, to use the words of Osier, "have no essential influence on the progress of this disease."

Symptomatic treatment is largely a matter of judgment.

Pyrexia, chills and subnormal temperature, paroxysms of coughing, night sweats, hemorrhages and collapse and the thousand and one complications or personal idioyncrasies of the tuberculous, must of course, be intelligently dealt with. The more comprehensive and appreciative the physician of the myriad manifestations of this disease, the better naturally will be his results in this respect.

Tuberculin serums and culture products have, owing possibly to the nature of this disease, proven nugatory if not disastrous. They have been consigned to the file of disappointments by the leading Continental investigators. Sir Herbert Maxwell's and Dr. Pye Smith's report to the British government of the Berlin Tuberculosis Congress, states without reserve that they have no value in the human race. Prof. B. Froenkel positively asserts that neither Koch, Klebs or Maragliano's serum have any value whatsoever. A. Broden (Achives De Medicine, Jany., '99,) found that the tubercles were better developed in dogs treated with tuberculin than in such animals untreated.

Personally, I must admit I have had little experience with

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the use of any of these products other than the antiphthisin of my teacher, Edwin Klebs, but from reading and observation of the work of others I must concur in the dictum of William Osler that no germicidal or curative influence has been demonstrated in any of them. If, as many bacteriologists at present aver, there are marked differences between bovine and human tuberculosis, much that has been published in favor of several of these products will necessarily have to be considered in another light.

In the foregoing I have endeavored sincerely and without bias to review the history of the Modern Treatment of Pulmonary Tuberculosis. I have attempted to show that this treatment is based upon principles of hygiene, conceived by the ancients, recognized and accepted by the Latin races, first applied to institutional treatment by Dr. George Bodington over a half century since, and elaborated and facilitated by later German sanatarians.

As results are determined by the direction and sufficiency of effort, it follows that sanatoria for consumptives in the light of our present knowledge and experience afford the most certain means of combatting this disease and embraces in sum and substances the Modern Treatment of Pulmonary Tuberlosis.

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THE COMMUNICABILITY AND THE RESTRICTION OF CONSUMPTION.

BY HENRY B. BAKER, A. M., M. D., LANSING, MICH., EX-PRESIDENT AMERICAN PUBLIC HEALTH ASSOCIATION, ETC.

Speaking of the restriction of tuberculosis, for the best results, there must be general co-operation of all classes of people, and especially and first of all the co-operation of the coughing consumptives themselves, because the main source of the spread of tuberculosis is now well known to be the sputa ejected by well-developed cases of consumption of the lungs. In order to get in communication with, and the co-operation of the coughing consumptives, it is essential that there shall be notification. Accordingly the Michigan State Board of Health, in pursuance of what it believed to be its duty under the laws, declared consumption to be a disease dangerous to the public health, such as is required by law to be reported to the local health officer. That action was taken over six years ago. Hundreds of physicians, throughout Michigan, have acquiesced in this action. One, at Coldwater, refused to comply, was successfully prosecuted, and paid his fine. A few in Detroit failed to report; one was prosecuted, fined in justice court, appealed to the circuit court by which he was discharged, but the case has been appealed to the Supreme Court which has not yet decided the case.

MEDICAL AND OTHER SCIENTIFIC EVIDENCE.

There are at least eight lines of evidence proving that consumption (tuberculosis) is a communicable disease:

1. Clinical experiences and observations by physicians. There are now on file in the office of the Michigan State Board of Health great numbers of communications from

Read before the Medico-Legal Society, as a contribution to the American Congress of Tuberculosis, March 21, 1900. Discussion of second question.

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physicians, from different parts of the State, detailing instances of the spread of the disease.

2. Evidence derived from statistics.

3. The production of the disease, as has been done, by means of the infectious dust collected from rooms occupied by consumptives not careful of their sputa.

4. Evidence through direct inoculation experiments with consumptive matter. The disease was first artificially caused in this way in 1865 by Villemin and verified very many times since that time.

5. Bacteriological evidence,—a given species of germs being found present in this disease, and absent in other diseases, and in health.

6. Biological evidence,—the actual artificial production of the disease by means of the specific germs, and the repetition of this process hundreds and thousands of times, as has been done.

7. The infectiousness of milk of tuberculous animals, as has been experimentally proved bacteriologically and biologically. The production by natural methods, of tubercular disease in calves and in children, by means of milk from tuberculous cows and from tuberculous women.

8. Combined statistical and other facts proving that consumption actually has been, to a considerable extent, restricted by reason of acting upon knowledge of its communicability and of the simple methods by which it may be restricted. This is notably true in Michigan, as proved both by the mortality statistics published by the Secretary of State, and by the sickness statistics compiled by the State Board of Health.

The Michigan State Board of Health has, by formal resolution, declared, and it has thus become the duty of its executive officer to publish to the people, that consumption is a "disease dangerous to the public health." This information is essential to the people, in order that they may comply with the several public-health laws in which that term is employed, and for the definition of which there is provided by the laws of this State no higher scientific authority than the State Board of Health, which has been legally established by the State for the express purpose of collecting such "useful information" and "disseminating it among the people." A former Attorney-General of Michigan, in response to a ques-

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tion raised by the health officer of Detroit, stated in his opinion as follows: "The highest medical authority which I recognize in this State on such subjects is the Michigan State Board of Health."

In order that any public or official action may be taken for gaining knowledge of a disease, with a view to its prevention, or for imparting knowledge of it to those most endangered, or for its restriction, the first essential is that the health authorities shall have notice of the cases which occur. Nearly all the public-health laws are useless unless such notices are given.

All progressive physicians who have given attention to the subject must be convinced that the Michigan State Board of Health has ample scientific and legal authority for the action it has taken; therefore the objections if any, must be for other reasons. What are those reasons?

It is admitted, apparently by all, that tuberculosis is communicable, but some claim that it is "only mildly contagious." Physicians cannot easily trace it, as a rule. But it is not difficult for the statistician who is also well informed in pathology, to estimate to what extent, compared with other diseases, tuberculosis is communicable. Let us examine the subject briefly: Pathologists and bacteriologists teach us that there is no tuberculosis without the bacillus tuberculosis; that if any person has tuberculosis that person contracted the disease by taking into the body the bacilli, without contact with which or with the poison of the bacilli there is no tuberculosis. How many persons contract tuberculosis in Michigan in every year? Disregarding, for the time, all those except the class known as consumptives, we know that about two thousand die each year. We know that many who contract consumption recover, and later die of other diseases. I believe that more than half of all who contract the disease recover to that extent; that means that in every year at least four thousand persons in Michigan contract comsumption. Is a disease that is spread to four thousand persons a year in Michigan only "mildly contagious?" Is it not one of the most communicable diseases that there is in Michigan? There seems to me to be but one answer—certainly it is. Under present conditions, consumption spreads to more people than smallpox, more than whooping-cough, more than measles, more than scarlet fever, perhaps less than typhoid fever, which although

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in each year causing the death of only one thousand probably ten thousand persons in Michigan contract; but consumption is spread to more persons than is diphtheria. Consumption is the most dangerous communicable disease in Michigan.

HOW IS CONSUMPTION SPREAD?

It is well known that consumption is usually spread in the same manner that diphtheria is spread, namely, not ordinarily by the breath, but by what goes out of the mouth of the infected person, directly and indirectly to the nose or throat of the victim who contracts the disease. If you ask—Then why not isolate consumptives, just as diphtheritics are isolated? I reply: Because, while the diphtheritic patient is generally a child who cannot be relied upon to do what is required for the protection of the public health, the consumptive is generally an adult at the age when, except for having contracted consumption, he or she would be in the prime of life; and generally in the possession of such intelligence as to be capable of being so instructed as to guard the interests of the public health. Complete instructions to consumptives have not yet been issued by the Michigan State Board of Health; but brief directions such as are on this slip (No. 124) have been employed for many years.

The Michigan State Board of Health has never recommended that consumptives be dealt with in precisely the same manner that persons are who are infected with acute diseases. It has never advised isolation, nor the placarding of premises. Leprosy, a disease as chronic and long continued as consumption, was stamped out of England by means of isolation hospitals, and other vigorous measures for isolation. And, although it was a very great hardship to thousands of persons, it has since that time prevented that loathsome disease from attacking tens, perhaps hundreds of thousands of persons. But for the hardships of comparatively few persons, the disease would probably have continued to afflict the human race through all time, just as a few persons now propose to permit tubercular diseases to continue.

The work of educating the people of Michigan in methods for preventing the spread of consumption, began in 1880 (before the discovery of the germ by Koch, but after the disease had been proved to be communicable, clinically, and by inoculation experiments) when a paper by Dr. H. F. Lyster,

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of Detroit, on "The Prevention of Pulmonary Consumption," was read at a sanitary convention, printed and distributed by the State Board of Health. In 1881 a paper by Dr. Bela Cogshall on "Consumption: Is it a Contagious Disease? What can be done to Prevent its Ravages?" was read, printed and distributed. In 1886 a paper by Dr. Bion Whelan, of Hillsdale, on "Consumption; Its Causes and Prevention," was read, printed and distributed. In 1889 a leaflet on the "Causation of Consumption," and a paper on the "Relation of Certain Meteorological Conditions to Diseases of the Lungs," etc., both by Dr. Henry B. Baker, were reprinted from the Annual Report for 1888, and distributed. In 1889 and 1890 two papers by A. Arnold Clark, of Lansing, on "The Prevention of Consumption," were read, printed and distributed. Some of the above mentioned papers were also printed in pamphlet form, and were sent where it was thought they would be of service in educating the people in methods for preventing the spread of consumption.

But the main work on this subject began in 1891, when the first edition of the four-page leaflet bearing directly upon the restriction and prevention of consumption was issued by the Board, and very widely distributed. September 30, 1893, a resolution was adopted by the Board including consumption in the "official list" of "Diseases Dangerous to the Public Health," since which time very active measures have been taken for the restriction and prevention of the disease.

It being a fact that in 1891, following the educational work by A. Arnold Clark and others, and when the first edition of the leaflet on the restriction and prevention of consumption was so very widely distributed, that the reported death-rate from that disease was, for the first time, much less than the average of preceding years; and it also being a fact that in no year since has the reported death-rate been equal to the average rate previous to that year, and in 1896 the death-rate from consumption being less than it was ever before known to be in Michigan, it seems fair to assume that the lessened death-rate is due to the better knowledge of the people as to the manner of spreading and the best measures for restricting this disease, the result of the active co-operation in the work by the medical profession, the State Board of Health, the teachers of the State, and others for the education of the people in the restriction and prevention of consumption.

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The reduction in the death-rate as shown by the statistics of the State Department, cannot be due to more successful treatment of cases by physicians, because the sickness statistics collected by the State Board of Health show that the reduction in the sickness has been greater than the reduction in the death-rate; and the reduction in the sickness began at an earlier date than the reduction in the death-rate, as would necessarily be the case if the lessening of the deaths was due to a lessened number of cases.

All the facts point irresistibly to the conclusion that the restriction of consumption has at last resulted from the knowledge that it is a dangerous communicable disease; and that already in Michigan the death-rate has been lessened by rather more than one-tenth, and the sickness by a much larger proportion.

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TUBERCULOSIS—IS CHANGE OF CLIMATE A NECESSITY IN THE TREATMENT?

BY DR. KARL VON RUCK, OF ASHEVILLE, N. C.

That this question must be answered in the negative appears from the many well attested instances, in which recovery has resulted without change of climate, and the discovery of healed tubercular lesions in post-mortem examinations after death from other causes, in subjects who lived in the larger cities and under most favorable conditions, could in itself supply the proof, that the disease can be recovered from without a change in climate.

There was a period, however, and not very remote either, when a change of climate was the routine advice, and when the peculiar atmospheric conditions of certain regions and localities were considered to act specifically upon the tubercular or phthisical processes; and even now such statements are occasionally advanced in medical literature.

The study of the pathology of tuberculosis and of the life history of the tubercle bacillus,the common experience of renewed activity in tubercular lesions and of extension to previously unaffected parts in patients having made such a change of climate, and the relapses experienced by patients when after apparent recovery at a climatic they returned to their former climate and to their previous social and business relations, all showed that the change of climate alone cannot remove the cause of the disease. While, therefore, it cannot be claimed that a change of climate is a necessity to a cure, I would nevertheless, not be understood as under-estimating its value in treatment. On the contrary there are many direct and indirect influences of a favorable character to be derived from a climatic change, and more still from proper climatic treatment.

Climatic advantages become the more important to eventual successful treatment, the more the particular patient is unfav-

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orably situated in his home environments; and the more the disease has progressed.

A simple change of locality, regardless of climatic attributes of the place selected, often acts favorably by removing the patient from his accustomed surroundings, diet and general mode of life, by which the social, household and business cares are eliminated, instead of which there are new scenes and new contacts, which act upon the patient and his absence from home favors the observing of better and more hours of rest, recreation and exercise.

If the change is made, to what may be considered a more favorable climate, offering more opportunity for out of door life, subjecting the patient to a greater amount of sunlight and to purer air, and if the selected locality is relatively dry, and the opportunity for contracting cold and catarrh are thereby diminished, an important influence is gained for the patient's general nutrition and for the arrestment of the disease. But, although these and other advantages are present in the most favorable degree, they in themselves do not directly cure tuberculosis, but they contribute to the maintenance of arrested and latent processes and favor their occurrence if the disease is in an active state; while an indefinite continuance of such a changed environment aids nature in securing permanency of these results.

For the majority of cases that seek climatic benefits a simple change of climate is however not sufficient, and systematic and supervised climatic treatment is usually required to secure the benefits spoken of.

"Climatic treatment" and "change of climate" are by no means identical, the former is individualizing and should secure for the particular patient the greatest possible degree of benefit, from the advantages of out of door life, sunshine, rest and exercise, while it should prevent all injurious influences from exposure to wind and severe weather, and from detrimental over-exertion, physical or mental.

Such climatic treatment differs further from a change of climate inasmuch as it can be carried out at home, and if we take advantage of all the out of door life possible, of all the sunshine that nature affords, and regulate the patient's rest and exercise according to the present condition of fever, strength, endurance and circulation, and guard against any injurious influences that may be avoided, much may be accom-

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plished at home, and I believe more benefit would follow on an average from such climatic treatment at home, than from simple change of climate to a health resort, where the patient works out his own destiny and calls upon a local physician only after he has demonstrated that the change has done him no good.

The advantages of climatic treatment apart from regions having special advantages as to elevation, purity of air, sunshine and suitable temperatures, have been abundantly demonstrated in the numerous sanitaria in Europe and especially in Germany, many of which are situated in localities which can make no claim to superiority of climatic conditions over the general average of the country, and in which most excellent results are being accomplished by the systematic out of door life and general care and supervision which the patients there receive; and while in a special institution the directing physician enjoys facilities which are often limited or deficient in private practice, I believe much more could be accomplished in the homes of the middle classes and even in those of workingmen and poorer people, who by reason of expense cannot take advantage of distant travel or absence from their homes, than is now the case.

My answer to this question is implied in the foregoing remarks, but to formulate it more concisely, I repeat:—

1st. That climatic change is not a necessity.

2nd. That it is advantageous and desirable, as an aid to the general care and management and to other treatment.

3rd. That climatic treatment under strict and constant professional supervision at climatic resorts, or at home, deserves better consideration at the hands of the profession than it now receives.

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IS CHANGE OF CLIMATE A NECESSITY FOR SUCCESSFUL TREATMENT?

BY CHARLES DENISON, A. M., M. D., DENVER, COLORADO.

To the average Colorado Physician this is a queer question, and the wonder is that it should be proposed at all after all the favorable evidence we have had. The surprise that this issue is raised as to the value of climatic change is increased as we strip the subject of impracticabilities. The negative side of this discussion should not try to force the affirmative to show that the "change" is possible. The affirmative have a right to assume, as a condition precident, that it is not only possible but feasible. But you say nine-tenths of the tuberculosis existing is associated with poverty and its evironments. Very true: but this, though a potent fact to be intelligently dealt with, is not the question now at issue. The only possible qualification of this word "necessity" is suggested in the phrase that follows: "for successful treatment," i. e. that there is some other single line of treatment, opposed to the change, which is superior to it. The question then arises,—what are the environments or conditions of such other "successful treatment" that individualized selection of climate cannot be utilized? Is it not that some unreasonably boomed hobby has to be first considered, some local prejudice to be conceded to, or because some home sanitoria is recommended? If possible (?) let us, as physicians, divorce this question from personal advantage or local prejudice. Let our argument be untarnished by such defects.

The question should properly be:—and this is what I claim we are discussing—*"Other things being equal is change of climate a necessity for the best results in the treatment of tuberculosis?"* Looking at it in this light we are not to be burdened with anxiety for the surrender of an individual's calling and the pecuniary sacrifice involved in the change. Neither are we to be prevented from adopting any desirable additions to the

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climatic prescription. It is climatic with these aids and not in opposition to them.

Such a consideration of the subject practically admits the fact that the best method of treatment is a combined or combination one. Why then should not any other successful treatment enter the combination together with change of climate in order to give the largest percentage of results possible for each individual case?

If it were climate alone which was to be considered, the issue would be gladly accepted as between this and any other single method of treatment. This would necessarily involve the adjustment of the season of the year, altitude, dryness, etc., to the patient's individual needs. It is doubtful if any one remedy yet discovered excells in benefits conferred a proper change of climate and environments in curable cases, and in some others for whom only prolongation of life is possible.

All students of climatology, especially if they have had any personal experience in well chosen high altitudes, admit the desirableness of such a change. The reasons for a change may be, and often are, used to further the local claims of certain sanitoria; but we, in discussion, should consider these reasons impartially, with the view of ariving at an ideal climate decided upon without reference to any particular locality. This argument for an ideal climate for the majority of consumptives has been* variously reiterated by me, and is summarized in five main propositions.

1. "Dryness opposed to moisture."
2. "Coolness or cold preferable to warmth."
3. "Altitude preferable to sea level pressure."
4. "Sunshine to Cloudiness."
5. "Variability preferable to equabllity." The latter because a certain degree of variability is a *sine-qua-non* of the preferable combination of climate attributes constituting ideality, including, for the majority of chronic pulmonary invalids, rarefaction of the air. An unbiased analysis of these five propsitions, together with a due consideration of the questions of air-diathermancy, the radiation and absorption of heat, the mountainous configuration of the soil, the physical

*See 2 reports to the International Medical Congresses, '76 and '87; the the article on "Climate Treatment," in Foster's Practical Theraputics, and in Journal A. M. A, Nov. 7 and 14, a later article on "The Climate of Colorado for Respiratory Diseases."

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benefits of moderate winds, electric stimulation and other peculiarities of elevated resorts, will convince any investigator of the soundness of the climatic argument. This method of analysis culminates in the crowning evidence of immunity, partial though it may be, which increasingly manifests itself as the ideal climate for the individual patient is reached. On this is based the unanswerable argument which is attested to by the ample experience of thousands of invalids in the elevated Western States.

In a paper of this kind one is necessarily limited in the presentation of details. You must not be fatigued by the countless illustrations possible. I would like, however, to present the following case, because its favorable result, due wholly to climatic effect, challenges any experience possible at the seaside or in the lowlands.

Dec. 19, '99, Mr. W. A. M., age 42, accountant from an interior town of Colorado, was seen by me for the first time. Twenty-four years ago he had come from Newark, Ohio, one year after a "cold" following chills and fever; had then night sweats, &c., and had yellow expectoration for one year. Probably breaking down of lung tissue occurred then, for he had no night sweats or fever or severe symptoms in Colorado, except in 1896 he had hemorrhages at his present home at an elevation of 8,000 feet. Previously to that he had lived on a ranch at a lower elevation, 6,500 feet. Though with marked inheritance to tuberculosis, improvement at first, in 1875, was so decided he tried again to live in Ohio, but had to relinquish this idea and come back to Colorado within one year after his return East. The present condition is the most remarkable of the many arrests of consumption I have ever seen. The right lung is enlarged downwards and inwards and the left lung is apparently all gone except that portion in the front part of the chest and above the heart. The heart is now moved to the left and the apex beat is in the axillary region in the 5th interspace. An excavation extends from the latter point around underneath the scapular and left inter-scapular space and upwards to the left clavicle. Yet for years he has held his weight at about 118 pounds, (heighth, 5 ft. 5 in.,) pulse is 80, respiration 20, and spirometrical record 140 cu. in.; rides horseback; holds a clerkship and talks of matrimony. "One swallow does not make a summer" to be sure; but the question is a fair one—

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under what opposite or different climatic conditions could such a result be obtained?

In conclusion, it is evident that when we compare climatic influence with the other agencies for good in our curative prescriptions for tuberculosis, we can justly conclude that it should stand first of them all. The concensus of the opinion of medical men would place it, with its hopeful mental effect, among the most curative means from which we can select our combination treatment.*

Neither is it difficult to link this means to the other curative aids, for the criticism of poly-pharmacy must not be allowed to shut out anything that will help.

Next to climate change and necessarily linked with it, and about equal to it in importance, come out of door life and exercise. This and climatic selection combined amount to 30 to 45 per cent of what can be done for active, germ proved cases; while, in latent and inactive cases, they may be said to perhaps represent from 45 to more than 70 per cent. of the cure. Then, admitting that the combination of curative aids should be individual and different for different classes of cases, we ought to have the four following divisions, each of which may be variously estimated to make up from nothing to 20 or 25 per cent of the total of good to be accomplished. Namely: 3 "Good feeding, special dieting and attention to the alimentary canal." 4. "Medical supervision and medical treatment." 5. "Inhalation, local medication and surgical interference." 6. "Specific medication based on anti-toxin treatment."

Duly weighing all these means that are helpful, and having in mind as much of approximate immunity as is possible to obtain in each individual case, we may, I think, safely conclude that there is no single agency equal in lasting results to a suitably adjusted change of climate. For where it can be had, it implies going from causative to curative conditions an improved mental influence and,—in the utilization of the new climate,—an out-door life or occupation.

* "The Modern Treatment of Tuberculosis." Report to A. M. A., '98, Journal, September 24, 1898,

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MY OWN CASE WITH DEDUCTIONS DERIVED FROM THE SAME.

BY JOHN H. METZEROTT, M. D., WASHINGTON, D. C.

I am one of those who believe that many cases of Tuberculosis would be cured which are not cured now, were the disease diagnosed at a sufficiently early date. I am likewise of the opinion that even when the malady has progressed quite far, that a fair percentage of cures may still be effected by instituting a rational therapy. I am also convinced that the duration of life of many an apparently hopeless case of consumption may be indefinitely prolonged by resorting to dietetic, climate and other hygenic measures. I make these assertions with a positive assurance of their accuracy, basing my deduction entirely upon what I have observed in myself, in members of my immediate family and the almost miraculous results beheld at the leading sanataria of Europe and the Desert of our own country. Indeed I can go still further and make the extravagant assertion that few indeed are those dying of other affections than consumption, in whom the post-mortem do not show some evidence of the disease contracted during some period of life. If I speak the truth, barring a few autopsies held upon children, it has not been my lot to behold a single post-mortem in the great pathological laboratory in Vienna during an irregular attendance of nearly four years, where it could be positively said by the pathologist that the subject had been completely free from the disease during his entire life. Now of course, there are those who will dispute this point I am making, but they will nevertheless admit that it is rather the exception to find perfectly sound lungs at death, in which there are no pleuritic adhesions or infiltrations of any sort in the lung tissue itself. If this then be admitted, it must also be conceded that while the death rate from Tuberculosis is about one out of every seven or eight, the number who recover from the malady is

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infinitely greater than that of those who die,—it being taken for granted of course that every individual having a tuberculous focus is consumptive whether the process exhibits the tendency to heal spontaneously or not. This old thread worn fact, I wish to bring out forcibly, for it emphasizes an established truth, namely, that the disease for the most part is not as fatal as is generally supposed and that it only becomes a serious affair when it transcends beyond a certain limit, or occurs in an individual whose environment and habit favor its rapid development. The gentleman from Maryland truly and concisely expressed himself last night, when he stated that "consumption was a hunger for air and light," and that it thrived among those who did not avail themselves of the bounteous gifts of old mother nature." If we now bear in mind that there are two principal types of tuberculosis, the florid, and the fibroid, that scrophulosis and lupus are forms of tuberculosis and that all the remaining types differ from them only in degree, it will be seen that tuberculosis taken as a whole is an affection for which an immense amount is and can be done.

But while more is accomplished therapeutically in the treatment of this disease than ever heretofore, I am sure it is nothing compared to what will be done in the future, when the state recognizes the golden axiom, that the care of the health of the individual is her greatest concern. I say gentlemen, when that fundamental principle is fully realized by the civilized governments of the world, then we may expect that most liberal provisions will be made for the consumptive whatever his walk in life. At present however, only a selected few have an opportunity of getting well, but I yet hope to see the day when that chance will be afforded to all, whether he or she be a provider of a family or not.

And now for my own case, which is not out of place, since it affords an argument for the rational of the great sanatarium movement which at present is sweeping the United States. In the fall of '86 on the day when I was about to return to college, I was reluctantly induced by my mother to undergo a physicial examination at the hands of a local specialist. She had observed during the summer that there was something radically wrong with my lungs, and acting upon a well founded and maternal impulse had made an appointment with the doctor unbeknown to my-

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self. I recall the hesitancy with which I entered the physician's apartments, for although I was conscious that I had an uncontrollable cough, had experienced night sweats, had suffered much from excruciating pains in the front and the back of the chest, had lost much sleep and flesh as well, and in addition expectorated copiously and continuously, I nevertheless with the characteristic euphoria of a consumptive persuaded myself that it was only a transient affair, from which I would recover sooner or later. Not satisfied with the diagnosis and the rather unfavorable prognosis rendered by the local specialist, I went to the elder Bowditch and his son, hoping that they would tell me that I could continue my studies at college. They did not give me much encouragement, and so I came to New York and consulted the late Dr. Alfred Loomis, who at first advised me to go to the Adirondacks, but later after more mature deliberation recommended a warmer climate, such as would be afforded by Southern California and Arizona. It is for you to infer whether the professor regarded my case as a moderately or very severe one, but I myself am inclined to think at this late date that the third stage had been reached and that when I stepped upon the train for Los Angeles, that I had not one moment of time to waste. At any rate, I was supported on the arm of an attendant, when I entered the office of the Sierre Madre Villa, that time one of the popular resorts for consumptives in Southern California. For more than a week I was scarcely able to walk one hundred yards without resting. The dust of the desert had aggravated my cough, and I coughed incessantly, expectorating an alarming amount of sputa. The night sweats troubled me more than they did in the East and I do not believe that I exaggerate when I say that if the sheets upon which I slept had been submerged in a tub of water that they could have been more drenched. Concomitant with these annoying symptoms I experienced the most distressing pleuritic pains, which I can describe in no other way than to say that my ribs felt as though they had become displaced and by reason of their overlapping each other caused stitches in my side whenever I took deeper inspiration. I was also feverish and on several nights suffered from violent shaking chills. This then was my state of health when I commenced my climatic treatment in the San Gabriel Valley in Southern California.

At first my improvement was very slow indeed, and was not

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perceptible until I took to daily horseback riding. In the selection of my horse I thought at the time I was most unfortunate, for I had been impressed more by his general appearance than his gentleness. The result was that I found myself the possessor of a California broncho, possessing all of the typical traits of that much abused animal. On the first occasion it took four men to hold the animal upon my mounting into his saddle. My mother seeing me, looked askance and as for the guests every one said it was suicide, but I was indifferent, and that is the probable reason why I did not fare worse. Being killed by a horse did not seem half so bad to me as dying of consumption. The first day I rode my prancing steed scarce an eighth of a mile, but I persevered and in three months time, when I made a change further inland to Arrow Head, situated in a sheltered nook in the San Bernardino Mountains,I never rode less than ten and on many occasions twenty miles and even more daily, always however experiencing severe pains in my side and becoming short of breath when the exercise was at all violent.

At Arrow Head, which was an ideal retreat in every sense of the word, I experienced a set back, all of my rather severe symptoms returning, if anything in a more aggravated form than before. I cannot exactly account for the change, but old timers, who had cured themselves of the disease told me it was always so, that the crisis had been reached and that a favorable change would ensue. The turn for the better being delayed I deliberated for a long time upon the advisability of returning East, but when the day for doing so arrived I felt a little improved and deferred my trip. Now I want to digress here for a moment, gentlemen, and state that the old Californians were right in what they said and that on a great many occasions I have beheld the turning point of a tuberculosis ushered in with aggravated symptoms, which for the time being causes patients to imagine that they are worse. Many an unfortunate has made the mistake of his life in abandoning a climatic treatment at this most critical time and subsequently paid the penalty of his folly. I for one never fail to remind my patients of this likelihood when I send them to a distant clime. At Arrow Head I lead an out door life, riding in the morning, exploring the adjacent canyons in the afternoon,and visiting each day the ranch of the late Governor Watterman where I ate from three to five pounds of grapes each day as

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long as any remained upon the vines. There are those of you of course who ridicule the grape cure, on account of the small amount of nutriment in the grapes, but let me again express to you my firm conviction, not only in tuberculosis but in other affections, grapes are a most valuable adjuvent to the other forms of treatment. They are relatively rich in potassium, and that, you know, is a powerful reconstructive and alterative. Grapes are also soothing to the throat, in fact they are a pleasant demulcent.

My intractable cough, which clung to me tenaciously, I treated first by never giving away to an impulse to cough unless I was compelled to do so. I remember that often the tears coursed down my cheeks while attempting to suppress the same. I made much headway, however, by cultivating the tolerance of the tickling sensation in my throat. Sometimes I did not succeed in warding off a severe paroxysm of coughing, I nevertheless spared myself much inconvenience in employing this procedure. Sometimes to aid me I would resort to gum arabic of rock candy which I would allow to slowly dissolve in my mouth. Flesh I gained very slowly but I increased my weight by forcing myself to eat. I never ate less than a certain quantity of food at each meal and tried each time to eat more. I ate considerable meat, took lots of honey, drank milk, whenever I could obtain it, ate all cereals placed before me and now and then took a little beer, stout or brandy, but of the latter always with considerable circumspection. I am now sure that I could have gotten along very well without stimulants of any sort.

Reasoning that if it was good to be out of doors the greater part of the day, it was still better to be out for the entire twenty-four hours, I conceived the idea of making a trip by wagon into the very heart of the desert where I knew the air was absolutely pure. Unfolding my plans to three other invalids it was not a long while when I found myself seated upon a large covered four horse wagon making my way with my associates across the Canon Pass into Death Valley and the Lava beds, determined there to journey until I was fully restored to my health. At first we pitched a tent each night when we had completed the necessary miles constituting a day's travel, but as time went on, packing and unpacking the canvass and driving and clearing stakes became irksome in the extreme and we abandoned our tent and wrapping ourselves

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in our blankets slept upon the bare ground. At this time I was comparatively well, although the process in my lungs was still active as was evident to myself by the crackling rales, both large and small, which I could produce at pleasure by resorting to violent exercise, such as running, wielding an ax, or lifting heavy weights, et cetera. Until we reached the Needles the weather was fairly good, but upon crossing the Colorado a decided change in temperature took place. It became windy and intensely cold. As we progressed further inland, we were subject to sand storms and blizzards which delayed our progress and caused us to again resort to the tent. But the tent was small and becoming an obstacle to the wind, sooner than go through the trouble of erecting it every day, we abandoned it altogether, protecting ourselves as best we could from the falling rain, and the snow which though heavy fortunately never lay long upon the soggy ground. Notwithstanding the wind, rain, and snow my health improved almost daily, and my resisting power increased perceptibly. The horses becoming run down by their uninterrupted arduous work, we lightened their burdens, all but the one driving, walking. The walking did me an immense amount of good and I later figured that of the twelve hundred miles journey by wagon in the desert, I must have walked not less than eight hundred. Reaching Ash Forks we went into the Mugallon Mountains, deeply covered at that time with snow. The thermometer was below zero each night, but cold as it was we did not suffer. In fact it was more comfortable, than the desert with its sand and winds. When they were available we spread pine boughs upon the snow and over them our blankets. The rarity of the air and the ozone from the huge pines changed the character of my expectoration. At first there was an increased amount, but notwithstanding my lungs felt freer than ever before. It was really remarkable how the air stimulated my bronchial secretions,—from a thick yellow ispissated sputa the expectoration was converted into a watery mucoid frothy matter, which though copious was healthy in appearance even to a layman. After spending a month in the Mugallons we journeyed into the Tonto Basin, where I had opportunities to resort to a healthful procedure which I had abandoned in the mountains, namely cold ablution of the body, and which I have practiced daily ever since. When we reached the plains after again crossing the Pinal Range

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where there was less snow that in the Mugallons, the season had so far advanced that the desert had become a veritable cauldron. But I was toughened and stood the one hundred and thirty or forty degrees better than the others and in addition, I walked with a firm and elastic tread, a little thinner than when I left Arrow Head but effectually cured of my disease.

That, gentlemen, is the brief history of the first year of the treatment of my affection. I was well then, but I wanted to stay well, and so after returning home for a few months to my mother's farm in the hills of Maryland, I revisited California and Arizona—repeating the procedure for a third time a year later. Subsequently I went to Jefferson college where the close confinement in the at that time rickety and illy ventilated building made me sick and again almost laid me out.

I did not give up the study of medicine however, but resuming my work at a local school I managed to obtain my degree and simultaneously to keep well by driving twenty miles every day rain or shine. From the medical school I went to the Garfield hospital remaining there a year and a half, and from thence to Vienna where I managed to attend the clinics for nearly four years, alternating my work with long walks into the Wiener Waldt and excursions during the summer into the higher mountainous regions of the Eastern and Western Alps. My cure I attribute to the cultivation of the power of resistance, to the sunlight, and the open air life I have been and am still leading.

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SHOULD THE USE OF ANTITOXINS IN TUBERCULOSIS BE CONDEMNED FROM A PURELY SCIENTIFIC POINT OF VIEW?

BY DR. KARL VON RUCK, OF ASHEVILLE, N. C.

To attempt to answer the above question from a scientific basis only, would require a review of all the pertinent data in bacteriology, experimental therapeutics and clinical medicine, which have accumulated within the last twenty years. Having done this, we would find, that our exact kowledge bearing upon the subject of toxins and antitoxins in general, and of their relation to tuberculosis in particular, is insufficient to come to a definite conclusion.

As my available time does not permit me to attempt such a review, and finding the scientific facts too meagre, I desire to open this discussion from the standpoint of the therapeutist rather than that of the scientist, referring to such facts which speak for or against an affirmative answer.

Presuming that my hearers are familiar with the subject of bacterio-therapeutics as evolved and applied in the several infectious diseases, I may give my definition of an antitoxin as a specific remedy having the power to antagonize, antidote, neutralize or to destroy the harmful effect of a specific bacterial toxin; to which I may add, that as commonly applied and understood, the term antitoxin refers to blood serum obtained from animals, which have undergone a course of treatment or immunization with toxins derived from specific pathogenic bacteria.

The principle of bacterio-therapeutics rests upon the established relation of certain pathogenic bacteria to certain infectious diseases and upon the observations, that with recovery from some of the infectious diseases, the individual is protected for a longer or shorter period of time against reinfection or recurrence of the disease.

This change from susceptibility to immunity is believed to

Opening paper on fifth question. Read before the Medico-Legal Society and American Congress of Tuberculosis, February 22, 1900.

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have been brought about through the action of specific toxins derived from the specific germs during the course of the disease, and but for such acquired immunity recovery from infectious diseases would seem impossible.

Experimental medicine has shown, that in several of the infectious diseases a like change from susceptibility to immunity can be induced by the artificial introduction of specific bacterial toxins, and also that the blood serum and other tissues of the immunized animals have the power to antagonize or overcome the deleterious effects of the bacterial toxin, and thus was evolved the theory of toxins and antitoxins.

The hope that such immunization and production of antitoxins was a general law applying to all infectious diseases has, however, not yet been realized.

The production of antitoxic serum for tuberculosis has been attempted by several experimenters and also by the writer,and a number of preparations have been put on the market within the last five or six years. The chief credit for the labor in this direction is due Professor Maragliano, but all the scientific data which he and others could show, is the fact, that the antitoxic serum for tuberculosis contains protective properties of only a very feeble power, the degree attained being, that a minimum fatal dose of crude standardized tuberculin can be neutralized by injections of an equal quantity of serum.

Professor Maragliano claims for his preparation, that its clinical application in tuberculosis stimulates the production of new antitoxins in the patient, and that it has therefore immunizing properties also, which I however, have not been able to confirm either with Maragliano's or my own preparation nor with several others in my animal experiments.

If we may compare the serum preparations for diphtheria with those now obtainable for tuberculosis, we find that for a successful result in diphtheria a serum of an antitoxic power of several thousand units is required, while the best that has been accomplished for tuberculosis is a power of only one unit, and if any of the available preparations have clinical value, the latter is not likely to be due to their antitoxic properties, and from other considerations presently to be referred to, it is an open question whether or not a true antitoxin for tuberculosis is desirable, as is the case with diphtheria.

The latter is an acute, infectious disease, and in uncomplicated cases recovery occurs frequently after a short, definite

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course of illness, when the patient becomes temporarily immune. The diphtheria bacillus is a most rapid grower, and undergoes rapid disintegration. The pathological alterations in diphtheria are confined to the mucous surfaces and repair is rapid and complete after convalescence. The acute symptoms bespeak an acute intoxication, and if in uncomplicated cases death ensues, it is the direct consequence of bacterial poisoning,and if under such conditions we can intervene with a remedy of the nature of an antitoxin, we may thereby avert death.

In tuberculosis, on the other hand, we have, as a rule, a chronic infectious disease in which immunity does not occur; patients acquire no well marked toleration to toxins, on the contrary they are and remain highly sensitive to them, so that toxins may be applied with almost unerring certainty for diagnostic purposes in most minute doses. The tubercle bacillus is an extremely slow grower, and resists solution or disintegration to an astonishing degree. Tubercle bacilli can be demonstrated in old, fibroid lesions and even in encapsuled caseous foci, many years after the tissues were first involved in tuberculer disease, and long after the conditions for the life and growth of the bacteria have apparently disappeared. No solution of the tubercle bacillus has been possible and the extraction of toxins from their bodies was only accomplished by the removal of their great quantity of fat, and even then the bacilli retain their form.

The pathological alterations in tuberculosis are usually deep seated and interstitial, the tubercles themselves are non-vascular, undergo rapid caseation, or gradual fibroid transformation and in either case they leave a permanent effect.

The clinical symptoms do not suggest the poisoning of the patient with specific toxins, and tubercle formation may be in progress and large areas of tissue may contain tubercles without general symptoms of intoxication being present. The patient's life is never threatened by the action of specific toxins from the tubercle bacillus.

With such radical difference in the specific germs, in the pathology and in the natural course of the disease to which others might be added, the question arises are there specific toxins liberated in the course of tuberculosis to an appreciable amount? And since toxins appear necessary for the production of both natural and the artificially induced immunity in

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all infectious diseases, may the deficiency of toxin formations in tuberculosis not account for the continued susceptibility to tubercular invasion of new tissues, and to the tuberculin test?

My own studies and observations incline me strongly to take this view, which my experimental results and therapeutical observations confirm.

I am well aware that the general symptoms in the course of pulmonary tuberculosis in all its stages have been attributed, and are still being attributed to specific bacterial toxins whether of the tubercle bacillus itself, or of other associated germs, but I consider it a vital objection to the theory that toxins from the tubercle bacillus are responsible for the general symptoms, when it can be shown that months after such symptoms have been present, the tubercular subject still shows general and local reactions to most minute doses of the specific toxins, while the gradual introduction of the latter we can often reach one hundred times the amount of the ordinary test dose in so short a time as a month, and can do this without producing the slightest symptoms of any kind. Surely if the tubercular patient had been absorbing like toxins from his tubercular lesions for months or even years, he would thereafter not show reaction to a small fraction of a milligram of toxins.

This is not the time and place to give you my views as to the cause of the general symptoms and especially the fever which we observe in the various stages of pulmonary tuberculosis and which I have recorded in an article on fever in the January number of the Journal of Tuberculosis on page 94.

To conclude my remarks, I may say again, that inasmuch as toxins are necessary to produce immunity, and since a true antitoxin will antagonize, neutralize or destroy the toxins, the latter could only have a place in the therapy of infectious diseases having an acute course during which the life of the patient is in jeopardy by excessive production of toxins, which is not the case in tuberculosis, and certainly not in its chronic form.

In order to justify the use of a pure antitoxin in tuberculosis, it must first be shown that specific toxins from tubercle bacilli are present, which have an unfavorable effect on the course of the disease.

If, however, it can be shown, that the serum preparations

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which we call antitoxins have the power of inducing a change from susceptibility to immunity, and act therefore in the same manner as do toxins, then of course the use of such a serum cannot be condemned either from a scientific or therapeutic standpoint.

So far it has not been shown that any of the antitoxic serums which have been produced by Maragliano as well as by others and by myself, have such properties to a degree that they produce even partial or slight degrees of immunity, and inasmuch as such results have been accomplished by the direct injection of toxins, and their administration appears to be perfectly safe, and is attended by excellent clinical results, the direct immunization with toxins is justified from a scientific as well as from a therapeutic point of view.

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AMERICAN CONGRESS OF TUBERCULOSIS
IN JOINT SESSION WITH THE
MEDICO-LEGAL SOCIETY.

TRANSACTIONS.

FEBRUARY SESSION, 1900.

The February session of the Medico-Legal Society was held at the Hotel St. Andrew, in joint session with the Congress of Tuberculosis, acting under the authorization of a Committee of Arrangements which had been named by the Society at the November meeting, 1899.

After the removal of the cloth, the Medico-Legal Society organized, the President, Clark Bell, Esq., in the chair, and H. Gerald Chapin, Esq., acting as secretary.

The reading of the minutes of the January meeting were, on motion, postponed until the March meeting.

The election of Treasurer and of vacancies in other offices were, on motion, postponed until the March meeting.

The following members were duly elected on recommendation of the Executive Committee:

A. Laura Joscelyn, 309 Broadway, New York City; Edward F. Ripley, Esq., Assistant District Attorney, Brooklyn, N. Y.; M. Strassman, New York City.

The Chair called upon the Committee of Arrangements for the Congress of Tuberculosis, for a report.

Dr. J. Mount Bleyer, from the Committee of Arrangements, reported:

That at the meeting of the Medico-Legal Society, held November 15, 1899, the following action was taken by that Society:

The Chairman of the Executive Committee reported that the following resolution had been adopted by the Executive Committee:

"*Resolved*, That the evening of the 3d Wednesday of February, 1900, and the succeeding day, be devoted to a discussion of 'Tuberculosis and its Modern Treatment,' and that expert scientists throughout the United States be invited to take part in this Congress, and that Prof. Thomas Bassett Keyes, M. D., of Chicago; J. Mount Bleyer, M. D., of New York, and Clark Bell, Esq., of New York, be named as a special committee to take the subject and the proposed meeting in charge, with power."

The action of the committee was ratified.

The Secretary reported that a plan of the meeting had been formulated, and a series of questions for discussion had met the approval of the Select Committee, which would be submitted shortly to members and scientists in the form of a preliminary programme of the proposed Congress of February, 1900.

1. That the Committee had sent out an announcement to medical men throughout the nation, inviting coöperation in the work of the Congress and stating five questions for discussion, as follows:

   a. Special Hospitals and Sanitariums; their Construction and Operation.

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b. What are the Most Successful Methods of treatment?

c. Individualization of Certain Forms of Tuberculosis; its Importance and Necessity.

d. Is Change of Climate a Necessity for Treatment?

e. Should the Use of Anti-toxines in Tuberculoels be Condemned, from a purely Scientific Point of View?

2. That a very large number of replies had been received, and that later a preliminary programme and announcement had been sent by the Committee to all those who had responded favorably, of which a copy was published in the December number of the MEDICO-LEGAL JOURNAL.

3. That the Committee had forwarded the opening papers on questions *a* and *b*, to the members who had responded favorably, and were arranging to send others of the advanced sheets of the remaining printed papers to the members.

4. That the Committee had entered into an arrangement, as stated in the preliminary programme, with the MEDICO-LEGAL JOURNAL, to bring out such papers in the form of a bulletin.

5. That Mr. Clark Bell had been elected temporary Secretary and Treasurer of the Committee.

6. That the Committee of Arrangements submitted the following, as a list of temporary officers for the Congress of Tuberculosis, with the programme of the work of the Congress, as approved by the Committee:

TEMPORARY OFFICERS.

Honorary President.—Roberts Barthalow, M. D. of Philadelphia, Pa.

President.—A. N. Bell, M. D., of Brooklyn.

Vice Presidents.—Henry B. Baker, M. D., Secretary State Board of Health, Michigan; Ralcey Husted Bell, M. D., Editor "The Raven," St. Louis, Mo.; Chief Surgeon C. K. Cole, M. D., Helena, Mont.; Col. E. Chancellor, M. D., St. Louis, Mo.; T. D. Crothers, M. D., Hartford, Conn.; Judson Deland, M. D., Philadelphia, Pa.; Charles Denison, M. D., Denver, Col.; Prof. F. A. Leusman, M. D., Chicago, Ill.; U. O. B. Wingate, M. D., Secretary and Executive Officer Wisconsin State Board of Health, Milwaukee; Dwight S. Moore, M. D., Jamestown, N. D.; A. E. Osborne, M. D., Superintendent, Glen Ellen, Cal.; W. S. Gottheil, M. D., New York City; Prof. A. P. Grinnell, M. D., Burlington, Vt.; J. C. Wilson, M. D., Philadelphia, Pa.

Secretary and Treasurer.—Clark Bell, Esq., of New York City.

PROGRAMME.

FIRST DAY.

7 P. M.—The opening Dinner at the Hotel St. Andrews, of the Medico Legal Society, members and delegates.

9 P. M.—The organization of the Congress, under the temporary officers announced by the Committee of arrangements.

a. Addresses of welcome to the members and delegates, by prominent public officials and the President of the Medico-Legal Society.

b. Response by the officers of the Congress of Tuberculosis in behalf of the Congress.

c. The enrolling of members of the Congress.

d. Appointment of Committees of the Congress.

e. The following subjects for discussion will be submitted to the Congress:

1. *Special Hospitals and Sanitariums; their Construction and Oper*

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ation. To be opened by J. Mount Bleyer, M. D., of New York, and discussed by G. W. Van Vleck, M. D., Jackson, Mich.; Dr. E. Mather, Birmingham, Mich.; Dr. Karl von Ruck, Asheville, N. C.; Dr. Charles Denison, Denver, Colo.; F. T. Labadie, M. D., of New York; W. S. Watson, M. D., of Fishkill, N. Y., and others.

SECOND DAY, 10 A. M.

Report of Committee on Permanent Organization. Election of permanent officers.

2. *What are the Most Successful Methods of Treatment?* Discussion opened by Prof. Thos. Bassett Keyes, M. D., Chicago, and discussed by Dr. J. Mount Bleyer, New York; Prof. Theo. R. E. Klebs, M. D., Chicago; Dr. Judson Deland, Philadelphia; Dr. G. A. Evans, Brooklyn; Dr. Wm. S. Gottheil, New York; H. W. Mitchell, M. D., of New York; M. A. Kopperl, Esq. of Austin, Texas; Dr. Homer M. Thomas, Chicago; Thos. Marshall Field, M. D., Chicago; F. T. Labadie, M. D., New York, and others.

3. *Individualization of Certain Forms of Tuberculosis; its Importance and Necessity.* Discussion opened by Dr. Judson Deland, of Philadelphia, and discussed by Dr. J. Mount Bleyer, New York; W. S. Watson, M. D., Fishkill-on-Hudson, N. Y., and others.

4. *Is Change of Climate a Necessity for Treatment?* Discussion opened by Dr. Karl von Ruck, Asheville, N. C., and discussed by Dr. G. A. Evans, Brooklyn, N. Y.; Dr. John S. Robinson, Chicago; Dr. Wm. S. Gottheil, New York; Dr. Charles Denison, Denver; Dr. Judson Deland, Philadelphia, and others.

5. *Should the Use of Anti-toxines in Tuberculosis be Condemned, from a purely Scientific Point of View?* Discussion opened by Dr. Karl von Ruck, of Asheville, N. C., and continued by Dr. Charles Denison, Denver; F. T. Labadie, M. D., New York, and others.

SECOND DAY, 2 P. M.

ADDITIONAL SUBJECTS FOR DISCUSSION.

The following additional papers are announced:

6. *Contagiousness of Tuberculosis.* By E. L. Shurley, of Detroit, Mich.

7. *Registration of Tuberculosis.* By Lawrence P. Frick, M. D., of Philadelphia.

8. *A Denial of the Position* (claimed to be believed in by the mass of medical men) *as at present held, that the Baccillus of Tubercle is the Cause of Tuberculosis; and to ask, Would we not Reach desirable Prevention sooner to Consider it a Result rather than the Cause?* By Chas. Denison, M. D., of Denver, Colorado.

9. *A Study as to the Cause of Tuberculosis; an Important Factor as to its Treatment.* By Prof. Thomas Bassett Keyes, M. D., of Chicago.

Dr. Charles Denison, of Denver, suggests a theme for discussion:

17. *What are the Histological and Biological Changes essential for Tubercular Infection?* and the Committee invite discussion upon it.

11. *Report on the Work of the Marine Hospital Service at Fort Stanton, New Mexico.* By Past Assistant Surgeon M. J. Rosenau, of Washington, D. C.

12. *The Rational Treatment of Tuberculosis.* By Col. E. Chancellor, M. D., St. Louis, Mo.

13. *Tuberculosis and Alcohol.* By T. D. Crothers, M. D., Vice-president Medico-Legal Society, Hartford, Conn.

14. *Demonstration of Electro-Sterilization of the Blood of the Tuberculous.* By Dr J. Mount Bleyer, of New York City.

15. *The Modern Treatment of Prophylaxis in Pulmonary Tuberculosis.* By M. J. Brooks, M. D., Stamford, Conn.

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16. *Method of Passing a High Voltage Current Through the Chest, at the Same Time Giving Inhalation of Electrified Air.* By Harry F. Waite, M. D., of New York City.

17. *Observation of Fifty Cases of Tuberculosis.* By Dr. Joseph H. Gichner, Baltimore, Md.

18. *My Own Case, with Deductions Derived from the Same.* By Dr. J. H. Metzerott, Washington, D. C.

19. *The Most Ideal Climatic Resort.* By Richard A. Goeth, M. D., Boerne, Texas.

20. *Extermination of the Human Race by Tuberculosis; Its Causes, Effect, Cure and Prevention.* By Francisque Crotte, A. M. Ph. D., of Paris.

The enrolling fee of the Congress is $3, which should accompany the application for membership, and entitles the member to the published transactions and to the Bulletin of the Congress.

The Committee of Arrangements have concluded arrangements with the Medico-Legal Journal to publish a Bulletin of the Transactions of the Congress.

To defray the expenses of this publication, over and above the enrolling fees, it has provided for speedy publication of the papers read, and the discussions, by which authors of papers can have their contributions printed in the Bulletin at a cost of $1.00 per page small pica, and $1.50 per page small type, Journal page size, and each author entitled to 50 copies, as a reprint, free of charge, with privilege of extra reprints at cost of press-work and paper. if ordered in advance.

Members are requested to submit the copy of their papers at once, to enable the same to be put speedily in type before the session, if possible, and to enable the publication of the Bulletin as early as possible.

The roll of the Congress will be kept open for the enrollment of members to the close of the session, and is free to all members of either profession, and to lay members, who are requested o forward their names as soon as possible.

The following persons have responded to the first invitation of the Committee:

Surgeon General Walter Wyman, Marine Hospital Service U. S. N. Washington, D. C.; Dr. Arthur R. Reynolds, Health Com., Chicago, Ill.; Dr. Edward F. Wells, of Chicago, Illinois; Prof. W. H. Sudduth, of Chicago, Illinois; Benj. F. Lyle, M. D., Cincinnati, Ohio.; Charles E. Quimby, M. D., of New York; A. E. Osborne, M. D., Supt., Glen Ellen, Cal.; Elmer Densmore, M. D., of Brooklyn; Dr. A. N. Bell, Editor "Sanitarian," Brooklyn; Dr. H. Longstreet Taylor, of St. Paul, Minn.; R. A. Goeth, M. D., Boerne, Texas; M. J. Brooks, M. D., Supt., &c., Stamford, Conn.; Wm. A. Dickey, M. D., Toledo, Ohio; Harry F. Waite, M. D., of New York; John Elsner, M. D., of Denver; Henry B. Baker, M. D., Secretary State Board of Health, Lansing, Mich.; Chief Surgeon C. K. Cole, Helena, Montana; Col. E. Chancellor, M. D., St. Louis, Mo.; T. D Crothers, M. D., Hartford, Conn.; Prof. A. Leusman, M. D., of Chicago, Ill.; Roberts Barthalow, of Philadelphia, Pa.; James Tyson, M. D., Philadelphia, Pa.; Dwight S. Moore, M. D., Supt., North Dakota; O. U. B. Wingate, M. D., Milwaukee, Wis.; Ralcy Husted Bell, M. D., St. Louis, Mo; Harry F. Waite, M. D., of New York; J. H. Metzerott, M. D., of Washington, D. C.; Joseph H. Gichner, M. D., of

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Baltimore, Md.; Surg, R. J. Rosenau, Marine Hospital, Washington, D.C.; M. A. Kopperl, Esq., Austin, Texas; Dr. J. Perkins, Providence, R. I.; Dr. J. C. Wilson, Philadelphia, Pa.; Prof. A. P. Grinnell, Burlington, Vt.; E. S Osgood, Esq., Brooklyn, N. Y.; Dr. C. V. Massey, Chicago, Ill.; Dr. Samuel B. Ward, Albany, N. Y.; Dr. Richmond McKinney, Editor "Memphis Medical Monthly," Memphis, Tenn.; F. T. Labadie, M. D., of New York; W. S. Watson, M. D., Fishkill, N. Y.; Hubbard W. Mitchell, M. D., of New York.

THOS. BASSETT KEYES, M. D., Chairman,
92 State Street, Chicago, Ills.

J. MOUNT BLEYER, M. D.,
460 Lexington Avenue, New York City.

CLARK BELL, Esq. LL. D., Sec. & Treas. of Com.
39 Broadway, New York City.

Committee of Arrangements.

CLARK BELL, President Medico-Legal Society.

H. GERALD CHAPIN, Esq., Secretary.

A. L. JOSCELYN, Acting Asst. Secretary.

NEW YORK CITY, February 21, 1900.

On motion the report of the Committee of Arrangements was received.

On motion the report of the Committee was adopted.

The Chair then stated that the Medico-Legal Society would go into joint session with the Congress of Tuberculosis, under the officers named by the Committee; the President of the Medico-Legal Society presiding with the President of the Congress of Tuberculosis jointly.

Mr. Clark Bell, President of the Medico-Legal Society, then introduced Dr. A. N. Bell, President of the American Congress of Tuberculosis, and made an address of welcome to the Congress.

President Clark Bell read a letter from William T. Jenkins, M. D., one of the Health Commissioners of New York City, who had been designated by the President of the Board of Health to attend and make an address of welcome, but was unavoidably kept away.

A message was received through M. A. Kopperl, Esq., from Ex-Governor J. H. Hogg, of Texas, who had accepted an invitation to make an address of welcome to the Congress, but whose illness had prevented him from attending.

H. Gerald Chapin, Esq., Secretary of the Society, then made a short address of welcome.

Dr. A. N. Bell then made an address in response, in behalf of the members of the Congress of Tuberculosis, and, at the request of President Clark Bell, took the Chair for the opening meeting of Congress.

Dr. A. N. Bell, President of the Congress, ordered the enrolling of members of the Congress to be kept open.

Mr. Clark Bell moved that Chairman A. N. Bell name a committee of three to submit nominations for permanent officers of the Congress at the session of February 22, 1900, with other committees and standing resolutions for the government of the Congress: seconded and carried unanimously.

The Chair named as such committee: Clark Bell, Esq., Chairman; Dr. Joseph E. Gichner, of Baltimore, Md., and M. A. Kopperl, Esq., of Austin, Texas.

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The Chairman, Dr. A. N. Bell, then introduced Dr. J. Mount Bleyer, of New York City, who spoke on "Special Hospitals and Sanitariums; their Construction and Operation," which appear elsewhere in our columns, as "Colored Rays of Light," and gave illustrations.

Dr. Bleyer made an illustration and exhibition of the practical use of the light rays, in explanation of his paper.

The paper was discussed by Dr. F. T. Labadie, Dr. W. S. Watson, J. H. Metzerott, M. D., of Washington, D. C.; Dr. Joseph E. Gichner, of Baltimore, Md., and Dr. Charles Denison, of Denver.

Dr. John H. Metzerott, M. D., of Washington in discussing Dr. Bleyers' paper said:

The subject of light treatment is a new thing to me, but I have heard so much of it that I have ordered an apparatus from Professor Finsen, of Copenhagen. I have seen wonderful effects in the treatment of various diseases by these rays of light. I have heard considerable in regard to this subject from my colleague, Dr. Merrill, from whom I understand that these actinic rays are developed from Crook's tubes, as well as from the apparatus which you have here. The actinic rays are the same, only the tubes are used instead of the prisms in their production. Dr. Merrill treated a patient who had lupus vulgaris. The diagnosis was in doubt; it could not be made microscopically, but clinically it was lupus. For about three weeks the patient was given sittings of about twenty minutes duration, twice a week, and he effected an entire cure. This case will be reported in one of the medical journals in a very short time.

I think we are on the eve now of a wonderful change in the treatment of this one disease, lupus, and from what I have heard and from what I have seen I believe we have at last found a cure.

The Congress took a recess until 10 a. m. of February 22, 1900.

SECOND DAY, FEBRUARY 22, 1900.

Congress opened at 10 a. m.

President Clark Bell, Esq., of the Medico-Legal Society, in the Chair.

The Select Committee on permanent officers and standing committees and resolutions, made the following report:

The Select Committee named by the Congress of Tuberculosis in joint session with the Medico-Legal Society, on February 21, 1900, to nominate permanent officers for the Congress of Tuberculosis and to recommend standing committees and resolutions, respectfully report:

1. They submit nominations for permanent officers of the Congress of Tuberculosis herewith;
2. They submit nominations for standing committees;
3. They submit resolutions for the consideration of the Congress, all of which are annexed.

CLARK BELL,
M. A. KOPPERL,
JOSEPH E. GICHNER,
} Committee.

The Committee named by the President of the Congress to nominate permanent officers, respectfully recommend the following as permanent officers of the Congress:

Honorary President—A. N. Bell, M. D., of Brooklyn, N. Y.

President—Charles Denison, M. D., of Denver, Col.

Vice-Presidents—Henry B. Baker, M. D., Secretary State Board of Health, Mich.; Roberts Barthalow, M. D. of Philadelphia, Pa.; J. Mount Bleyer, M. D., of New York City; Ralcy Husted Bell, M. D., Editor "The Raven," St. Louis, Mo.; Chief Surgeon C. K. Cole, M. D., Helena, Mont.; Colonel E. Chanceellor, M. D., St. Louis, Mo.; T. D. Crothers, M. D., Hartford, Conn.; Judson Deland, M. D., Philadelphia, Pa.; Joseph E. Gichner, Baltimore, Md.; Prof. Thomas Bassett Keyes, M. D., Chicago, Ill.; Prof. F. A. Lenseman, M. D., Chicago, Ill.; U. O. B. Wingate,

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M. D., Secretary and Executive Officer Wisconsin State Board of Health, Milwaukee, Wis.; Dwight S. Moore, M. D., Jamestown, N. D.; A. E. Osborne, M. D., Superintendent, Glen Ellen, Cal. W. S. Gottheil, M. D., New York City; Prof. A. P. Grinnell, M. D., Burlington, Vt.; J. C. Wilson, M. D., Philadelphia, Pa.

The Select Committee, named by the Chair at the opening session, respectfully report that they recommend the following standing committees:

Committee on Rules—J. Mount Bleyer, M. D., New York City, Chairman; T. D. Crothers, M. D., Hartford, Conn.; M. A. Kopperl, Esq., Austin, Texas.

Committee on Ways and Means—Henry B. Baker, M. D., Mich., Chairman; Prof. A. P. Grinnell, M. D., Burlington, Vt.; A. E. Osborne, M D., of California; Charles Denison, M. D., of Denver, Col.; Karl Von Ruck, M. D., of North Carolina; Col. E. Chancellor, M. D., of St. Louis; J. C. Wilson, M. D., of Philadelphia.

Executive Committee—T. D. Crothers, M. D., of Conn., Chairman; Judson Deland, M. D., of Philadelphia; Joseph E. Gichner, M. D., of Maryland; William S. Gottheil, M. D., of New York; M. J. Brooks, M. D., of Connecticut; J. Mount Bleyer, M. D., of New York; Prof. Thomas Bassett Keyes, M. D., of Illinois.

The Committee further report that they recommend the adoption of the following resolutions:

1. *Resolved*, That Cushing's Manual be adopted by the Congress as the standard in parliamentary law.

2. *Resolved*, That the President and Secretary be ex-officio members of all standing committees.

3. *Resolved*, That a Bulletin of this Congress be published, provided the requisite funds can be secured to defray the expenses, on the plan and basis recommended by the Committee of Arrangements named by the Medico-Legal Society.

4. *Resolved*, That the original Committee of Arrangements have charge of the said publication with power: and that before the completion of the Bulletin, members and others be invited to continue the discussion opened by this Congress, to be embraced in the Bulletin, and copies of papers read be sent to all members (duly enrolled) for that purpose.

5. *Resolved*, That the President and Secretary be authorized to name delegates to represent this Congress in the International Medical Congress of 1900, at Paris, and report its work: and to all societies and bodies, home or abroad, who take an interest in the subject of its labors.

6 *Resolved*, That, as the sense of this Congress, this organization be made a permanent body, to meet at least once in each year at such time and place as shall be designated by its Executive Committee: and that all those who are interested in arresting the increase of Tuberculosis be invited to coöperate.

On motion the report of the Committee was received and on motion, unanimously adopted, and the officers and committees as recommended in the report, were declared by the chair to be duly elected.

On motion the resolutions recommended by the committee were unanimously adopted.

The regular order of business was then taken up on question number 2, on the programme, "What are the most Successful Methods of Treatment."

The paper of Prof. Thomas Bassett Keyes was then read as the opening paper.

The paper of Dr. Karl Von Ruck, on the discussion of this question,

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was then read in the absence of the author, by Dr. Joseph E. Gichner, of Baltimore.

The paper was discussed by Dr. J. Mount Bleyer, who read a paper entitled "Demonstration of Electro Sterilization of the Blood of the Tuberculous."

The paper was also discussed by T. F. Labadie, M. D., who read a paper entitled "Extermination of the Human Race by Tuberculosis; Its Causes, Effect, Cure and Prevention." By Francisque Crotte, A. M., Ph. D., of Paris, and F. T. Labadie, M. D., of New York.

Dr. Joseph E. Gichner, of Baltimore, discussed the paper.

Dr. G. W. Van Vleck, of Jackson, Michigan, contributed to the discussion of the question, a paper entitled "Tuberculosis."

Past Assistant Surgeon M. J. Rosenau, M. D., of the Marine Hospital Service, on designation and detail of Surgeon General Walter Wyman, M. D., Marine Hospital Service, United States Navy, then read a paper entitled "Report on the Work of the Marine Hospital Service at Fort Stanton, New Mexico.

This paper was discussed by Dr. J. Mount Bleyer, and Dr. Joseph E Gichner.

The third question of the programme, "Individualization of Certain Forms of Tuberculosis, its Importance and Necessity," was then taken up, and in the absence of Dr. Judson Deland, of Philadelphia, who had promised to read the opening paper, his paper was read by title and he was requested to furnish it to the congress.

The fourth question was then taken up "Is Change of Climate a Necessity for Treatment?" and the discussion opened by Dr. Karl Von Ruck, of Asheville, North Carolina.

In the absence of the author Dr. Von Ruck's paper was read by Dr. F. T. Labadie, of New York.

This paper was discussed by Dr. Charles Denison, of Denver, who contributed a paper, which appears elsewhere in this number.

The fifth question was then taken up "Should the use of Anti-toxines in Tuberculosis be Condemned, from a Purely Scientific Point of View?"

The discussion was opened by a paper by Dr. Karl Von Ruck, of Asheville, North Carolina, which in the absence of the author was read by M. A. Kopperl, Esq., of Austin, Texas.

Dr. Joseph E. Gichner, of Baltimore, Maryland, then read a paper entitled "Observations of Fifty Cases of Tuberculosis."

Richard A. Goeth, M. D., of Boerne, Texas, then presented a paper entitled "The Most Ideal Climatic Resort."

The Chair read a letter from Prof. Thomas Bassett Keyes, announcing the serious illness of his child, which prevented his attendance, and his paper, number 9 on the programme, was at his request read by title.

The Chair read a telegram from Col. E. Chancellor, M. D., of St. Louis, explaining that a serious case of illness, which was impossible for him to neglect, prevented his attendance as he had promised by telegraph, and his paper, which is number 12 on the programme, was read by title.

At the request of Dr. Harry F. Waite, New York City, his paper entitled "Method of Passing a High Voltage Current Through the Chest, at Same Time giving Inhalation of Electrified Air," was read by title.

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Dr. J. H. Metzerott, of Washington. D. C., who attended the Congress on the 21st, was accidently prevented from attending the morning session, and on motion it was ordered that his paper be read by title and he was requested to furnish it to the Secretary. Entitled "My Own Case; with Deductions Derived from the Same."

In the absence of the following papers, as announced upon the programme, it was on motion, ordered that the several papers be read by title, and that the authors be requested to furnish copies of their several papers to the Secretary, to be incorporated in the Bulletin.

6. "Contagiousness of Tuberculosis." By E. L. Shurley, of Detroit, Michigan.

7. "Registration of Tuberculosis." By Lawrence P. Frick, M. D., of Philadelphia.

8. "A Denial of the Position (claimed to be believed in by the mass of medical men) as at present held, that the Baccillus of Tubercle is the Cause of Tuberculosis; and to ask, Would we not Reach desirable Prevention sooner to Consider it a Result rather than the Cause?" By Charles Denison, M. D., Denver, Col.

Dr. Charles Denison, of Denver, suggests a theme for discussion:

10. "What are the Histological and Biological Changes essential for Tubercular Infection?" and the Committee invite discussion upon it.

13. "Tuberculosis and Alcohol." By T. D. Crothers, M. D. Vice-president Medico-Legal Society, Hartford, Conn.

15. "The Modern Treatment of Prophylaxis of Pulmonary Tuberculosis." By M. J. Brooks, M. D., of Stamford, Conn.

M. A. Kopperl, Esq., then offered the following resolutions:

Resolved, That the Executive Committee shall have full power over all affairs of the body; three members shall constitute a quorum on a regular call.

Resolved, That vacancies in all offices and committees may be filled by the Executive Committee.

Resolved, That the Executive Committee shall have the power of removal and substitution of any officer or member of a Committee, who is not in attendance at the Congress, or who should be in default of payment of enrolling fee, after a reasonable call and non-payment and of substitution of a name instead.

Resolved, That the members and others be invited to send to the Secretary their views in discussion of each paper presented to the Congress and that they be included in the Bulletin.

Dr. Davis then appeared and asked to be enrolled as a member, which was granted, the Congress then adjourned, subject to the call of the Officers or on action of the Executive Committee.

For the Medico-Legal Society,

CLARK BELL, President.
H. GERALD CHAPIN, Secretary.

For the American Congress of Tuberculosis,

A. N. BELL, M. D., President.
CLARK BELL, Secretary.

OFFICERS OF THE AMERICAN CONGRESS OF TUBERCULOSIS, UNDER THE AUSPICES OF THE MEDICO-LEGAL SOCIETY.

HONORARY PRESIDENT—Roberts Barthalow, M. D., of Philadelphia.

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PRESIDENT—A. N. Bell, M. D., of Brooklyn.

VICE-PRESIDENTS—Henry B. Baker, M. D., Sec. State Board of Health, Mich.; Ralcy Husted Bell, M. D., Editor "The Raven," St. Louis, Mo.; J. Mount Bleyer, M. D., of New York City; Chief Surgeon C. K. Cole, M. D., Helena, Mont.; Colonel E. Chancellor, M. D., St. Louis, Mo.; T. D. Crothers, M. D., Hartford, Conn.; Judson Deland, M. D., Philadelphia, Pa.; Charles Denison, M. D., Denver, Col.; Jos. E. Gichner, M. D., Baltimore, Md.; Prof. Thos. Bassett Keyes, M. D., of Chicago, Ill.; Prof. F. A. Leuseman, M. D., Chicago, Ill.; U. O. B. Wingate, M. D., Secretary State Board of Health of Wisconsin, Milwaukee; Dwight S. Moore, M. D., Jamestown, N. D.; A. R. Osborne, M. D., Superintendent, Glen Ellen, Cal.; W. S. Gottheil, M. D., New York City; Prof. A. P. Grinnell, M. D., Burlington, Vt.; J. C. Wilson, M. D., Philadelphia, Pa.

SECRETARY AD TREASURER—Clark Bell, Esq., New York City.

[NOTE:—Dr. Charles Denison, Denver, who was chosen for Permanent President, was not present at the meeting, and in correspondence, before the Congress, had stated that he preferred not to hold any office, notwithstanding which he was selected by the Committee for the Presidency, and elected Permanent President. He telegraphed the Secretary, on the second day, declining to allow his name to be used for that office, but the telegram did not reach the Secretary till the evening of the 22d of February, after the Congress had adjourned. He later, by letter, declined to serve as President. This leaves Dr. A. N. Bell, of Brooklyn, Permanent President, until the Executive Committee select some one in his place; and it leaves Dr. Roberts Barthalow Honorary President, and Dr. Charles Denison one of the Vice-Presidents, subject to the action of the Executive Committee.] CLARK BELL, Secretary.

MARCH SESSION, 1900.

March 21, 1900, Society met at Dinner at the St. Andrew's Hotel, the President, Clark Bell, in the chair, and A. Laura Joscelyn, Acting Assistant Secretary, acting as Secretary.

The minutes of the February meeting of the joint session of the Society of the American Congress of Tuberculosis, as printed in the March number of the MEDICO-LEGAL JOURNAL, were read and approved.

The election of Treasurer and other vacancies, adjourned to this evening, was, on motion, postponed to the April meeting.

A letter from Vice-President T. D. Crothers, M. D., was read, explaining his absence and requesting that his paper, announced, be read by title. The paper, "Alcohol and Tuberculosis," was read by title.

The paper of M. J. Brooks, M. D., of Stamford, Conn., entitled "The Modern Treatment of Prophylaxis of Pulmonary Tuberculosis," in the absence of the author, was read by Dr. J. Mount Bleyer, M. D.

Dr. Harry F. Waite then read his paper, entitled "Methods of Passing a High Voltage Current Through the Chest, at Same Time Giving Inhalation of Electrified Air," and made demonstrations illustrating the same.

The paper of Dr. J. H. Metzerot, M. D., entitled "My Own Case; with Deductions Derived from the Same," was read by the Secretary.

The Paper of Dr. W.S. Watson, Fishkill-on-the-Hudson, entitled "Sanitariums for Tuberculosis and Best Methods of Treatment," was read.

A paper contributed by Dr. H. B. Baker, Secretary and Chief Executive Officer of the State Board of Health of Michigan, entitled "The Communicability and the Restriction of Consumption," was read, in the absence of the author, by the Acting Assistant Secretary, A. Laura Joscelyn.

A paper by Dr. B. F. Lyle, of Cincinnati, entitled "A Study as to the

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Cause of Tuberculosis, an Important Factor in its Treatment," was read by Dr. Harry F. Waite, of N. Y. City.

The papers were discussed as a whole by the following: Dr. J. Mount Bleyer, Dr. Harry F. Waite, Victor Constant, Esq., Mr. T. B. Pandias, of India, who gave a statement as to the ravages of tuberculosis in that country; Hon. Jacob F. Miller, Henry B. Keesing, Esq., and the President.

Geo. Chaffee, M. D., contributed the following to the discussion of the papers read before the American Congress of Tuberculosis:

The calling of the American Congress of Tuberculosis was a most praiseworthy act. There is no subject in the domain of medicine that deserves more careful consideration from both the profession and the public than does this great question of tuberculosis, and I trust that this effort and discussion may be continued until some definite and practical results are reached.

Of late I have been interested in tuberculosis from the standpoint of a railway surgeon, believing that the tubercle bacillus, when introduced into proper soil and under favorable conditions, was the cause of tuberculosis. Under this conviction I have written editorially, advising care, isolation or compartments in sleeping-coaches for consumptives, thorough disinfection, etc.

For Dr. Dennison's views on any subject I have always had the highest regard and am willing to admit, with him, that we may not yet know the real cause of tuberculosis. Dr. Dennison's "Preliminary Remarks" and his paper on "Change of Climate" are both very instructive indeed, and should go a long way toward starting this work on the right track. I heartily endorse the substance of both papers.

In our fight against disease one fact to be borne in mind is the importance of keeping the resisting powers of the patient, or of nature, at the highest possible point. Here in the city, where we are constantly breathing a germ-laden atmosphere, I have noticed that when a person's vitality becomes reduced from any cause, say from a severe or neglected cold, an attack of grip, or pneumonia, overwork or depression from any cause, it frequently happens that tuberculosis follows. It would seem that in our tenement houses, where several are packed in one or two small sleeping rooms, re-breathing the same impure air for several hours, that they would become easy victims for tuberculosis—and such is frequently the case. It also frequently happens that members of well-to-do families, living in the best appointed houses in the city, spending much of their time in the open air during a part of the year, fall victims to consumption. Again, we frequently read in our medical journals of a "consumptive house," where a physician has had from three to five cases of consumption in the same house, but in different families, in perhaps as many years. Ever since the germ theory of consumption was advanced, the sleeping-coach has been regarded as a dangerous point and as affording an easy means of spreading disease.

I trust that this question regarding the cause of tuberculosis may soon be settled. If necessary, a commission should be appointed by the President of the United States and placed in charge of a well-equipped laboratory, for the purpose of investigation and research along this line. For my own part I do not hesitate to say that I am afraid of the tubercle bacillus. I am inclined to give it the credit of playing a more important part in the cause of tuberculosis and in the destruction of human life than Dr. Dennison is inclined to do.

In regard to Dr. Keyes' plan of "Camp and Out Door Life," it is considered the most valuable feature in the treatment of tuberculous, and excellent results should follow such practice. I have a patient now who is living in a tent in Colorado, and he has already been greatly benefited by this mode of outdoor life.

Last summer Dr. Frank H. Caldwell, then Chief Surgeon of the Plant System, established a camp hospital at Clearwater, Florida, on a high

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b'uff overlooking the Gulf of Mexico, in a beautiful grove of cedar, oak and pine. This camp hospital is intended for the care and treatment of chronic and convalescent cases that may be sent there from the other hospitals of the railway company. While this camp hospital is not limited to tuberculous cases it demonstrates the value of camp life in the treatment of other forms of disease.

If these camps could be located at favorable points in different parts of the country, with a view to season changes and other features, we might reasonably expect a falling off in the mortality of tuberculous.

But until Dr. Dennison, or some one else, is able to satisfy us that consumption does not depend upon a germ for its cause, there should be national legislation with rules and regulations to guide and govern these tuberculous people in their movements about the country.

I can endorse the points made in Dr. Keyes' paper in every respect. with but one exception, and that is his system of "over-feeding." I do not think it is wise to over-feed any one, either sick or well.

The Acting Secretary contributed the following announcement from the notices of the meeting as a part of the transactions of this evening :

The interest aroused in the subject of tuberculosis, at the recent joint session of the American Congress of Tuberculosis with this Society, exceeds the anticipations of the most sanguine in our body. A permanent organization was effected, and the papers that were read are, many of them, of a high order.

Quite a number of the papers announced by the authority of the authors were not, however, in readiness at the session, and it was learned that more time was needed to complete some of the promised papers.

The Medico-Legal Society decided to devote the March session to a further consideration of this subject.

The papers read this evening, and some others, have been received since the session of the Congress, and will be printed and copies forwarded to members and others, who are expected to discuss the same

The officers of the American Congress of Tuberculosis, and its members, are invited to take part in the discussion, and to contribute papers upon the themes specified in the programme, or other phases of the question, with the view of embracing the same in Part I of the Bulletin of the American Congress of Tuberculosis, now in process of publication, on the same basis as named in the programme.

Titles of papers are solicited from those to whom this invitation is sent, with completed papers, if possible, so as to make the discussion thereof continued, of interest and value to the professions, and add to the value of the Bulletin of the Congress, of which it will form a part.

The enrolling as members of the American Congress of Tuberculosis continues, and new accessions come from all parts of the nation. The enrolling fee, $3, entitles the member to the published transactions and to a copy of the Bulletin free, if the same is printed and sufficient funds obtained for its publication.

The members of the Medico-Legal Society are invited to take part in the discussion, and to enroll in the American Congress of Tuberculosis, if they take an interest in the work.

The following resolution was, after general discussion, unanimously adopted :

Resolved, That the members of the Medico-Legal Society be requested to invite the medical members of the Society, and the medical and legal professions, both in and out of the Society, to contribute papers on the subject under discussion in the American Congress of Tuberculosis, or to the discussion of those already submitted, and that the same be contributed to the labors of the Congress, and published in the second part of the Bulletin of the Congress ; that such contributions be requested to be completed as early as possible, and before the fall meeting of the Society. The titles to contributions to be announced before July 1, 1900, if possible.

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It was, on motion, unanimously

Resolved, That the President be authorized to appoint delegates to represent this Society to the various sections of the International Congress of 1900, at Paris, France, and to all home and foreign societies and organizations, for the current year, on consultation with members of the Society who contemplate going abroad the coming season.

The Chair announced the death of Dr. E. R. Wood, of Scotland Neck, N. C., late Medical Superintendent of the State Hospital for the Insane at Raleigh, N. C., and paid a tribute to his useful life and to his sterling qualities as a man, and his public services as a physician.

The Chair announced the death, at Cleveland, Ohio, of Professor Elwell, author of Elwell's Medical Jurisprudence, and passed enconiums on his career as a medico-legal jurist, and called attention to his gallant conduct as a soldier and general in the War of the Rebellion.

Mr. Bell also announced the death of Dr. Chas. H. Ingraham, of Binghampton, N. Y., who had died recently of consumption, and paid a tribute to his life and career, cut short by this dread disease.

The Society adjourned.

CLARK BELL, President.
A. LAURA JOSCELYN,
Acting Assistant Secretary.

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EDITORIAL.

SUPREME COURT OF THE STATES AND PROVINCES OF NORTH AMERICA.

ADDENDA.

It is now eight years since series No. 1, of Volume I., was published as a serial number, embracing the states of Texas and Kansas. The first series was published in March, 1892.

In the fall of the same year November, 1892, series No. 2, of the same volume, was published, embracing the states of New Jersey and Oregon.

"The Historical Sketch of the Supreme Court of Texas," contributed by Hon. A. S. Walker, then a late justice of the Supreme Court of that state, and sketches were embraced therein from Ex-Judge A. W. Terrell, of Austin, Texas; Ex-Judge A. T. Watts, of Dallas; Ex-Judge Samuel A. Wilson, and others from that state.

Hon. Charles S. Morse, clerk of the Supreme Court, of that state, gave most valuable aid and he furnished the original engraving from which the group of the earlier judges of the state was reproduced.

Hon. Albert H. Horton, then chief justice of the Supreme Court of Kansas, contributed the historical sketch of the Supreme Court of that state, and sketches were also contributed to that series by Ex-Chief Justice General Thomas Ewing, Jr., then of the New York bar, and by Associate Justices Daniel M. Valentine, and William A. Johnston.

SERIES 2, OF VOLUME I.

Francis Bagley Lee, Esq., of the Trenton bar, who was selected for that purpose by the late Chief Justice Mercer Brasley, wrote the historical sketch of that court for the state of New Jersey.

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Hon. S. Meredith Dickinson, Esq., contributed to this series an "Historical Sketch of the Court of Chancery of New Jersey," and sketches of the bench of New Jersey were made by the then chief justice and by several members of the Supreme Bench of that state and by members of the Court of Chancery.

"The Historical Sketch of the Supreme Court of Oregon," was contributed by Judge C. H. Carey, of Portland, who was designated by the chief justice of the Supreme Court for that purpose and sketches were contributed by Judge W. W. Upton; Judge L. L. McArthur, of Portland; Chief Justice W. P. Lord, of Salem; by Judge R. S. Strahan; by George H. Burnett, then reporter of the Supreme Court; L. F. Lane, Esq.; by D. R. N. Blackburn, Esq.; by Ida Burnett Cadahan; by W. T. Hume, Esq., and by B. B. Beekman, Esq, of Portland, Oregon.

Judges Bean, Matthew P. Deady, Prim, Bonham, Shattuck, Wait, Boise, and W. H. Holmes, clerk of that court, furnished valuable aid and assistance.

SERIES 3, OF VOLUME I.

This series was published in 1893, and embraced the states of Alabama and Georgia and the Province of New Brunswick, in the Dominion of Canada.

"The Historical Sketch of the Supreme Court of Alabama," was prepared by Judge Henderson M. Somerville, an associate justice of that court, and Associate Judges McClellan, Head, Haralson, Coleman, and Walker, greatly aided the editor in furnishing data for Alabama, as did Sterling Moore, Esq., then the clerk of that court; J. W. Sheppard, Esq., reporter; Magrane Coxe, Esq., and E. Taliaferro, formerly of Alabama, but then of the New York bar, and Hon. J. M. Martin, of Birmingham.

In Georgia, the then Chief Justice Logan E. Bleckly designated Charles Edgeworth Jones, Esq., of the bar of Augusta, who prepared the historical sketch. Ex-Governor Brown, of Georgia, and formerly of that bench, rendered very valuable aid, as did the members of the Supreme Court at that time.

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For the province of New Brunswick, the historical sketch of the court was written by the venerable associate justice of that bench, Hon. A. I. Palmer, who was for many years on that bench as the equity judge of that court, serving from 1879, who also aided in the sketches, as did Sir John C. Allen, then chief justice of that court; J. W. Lawrence; Mr. Alfred Markham, of St. John, N B.; Associate Justices Hon. George E. King, Hon. John G. Fraser, Hon. Wm. Henry Tuck, and Hon. Daniel L. Harrington.

T. Carleton Allen, Esq., clerk of that court, also furnished valuable assistance, as did Hon. Andrew G. Blair, then attorney-general of that province and now minister of railways for the Dominion of Canada.

SERIES 4, OF VOLUME I.

This work, embraced the states of Pennsylvania and Delaware, and was published in 1895. The historical sketch was from the pen of Ex-Judge F. Carroll Brewster, of Philadelphia, who was designated for that purpose by the then chief justice of that bench, Hon. E. W. Paxson, who preceded Chief Justice Hon. James P. Sterrett.

Judge F. Carroll Brewster also contributed some additional chapters to the volume connected with the early colonial history and many of the sketches of the judges are from his graceful pen.

Judge James T. Mitchell, of the Supreme Bench, wrote the sketches of Ex-Chief Justices Thomas McKean, Edward Shippen, and George Sharswood. He also gave the editor the benefit for reproduction of his large collection of the portraits of the Pennsylvania judiciary, as did the Hon. Hampton L. Carson. The work as to Pennsylvania already contains the largest collection of portraits of the bench of the Supreme Court of that state ever published.

The portraits of twenty of the ex-chief justices of that bench were reproduced and published in this series, as were seventeen portraits of the associate justices of that state.

"The Historical Sketch of the Supreme Court of Delaware,"

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is by Judge Ignatius C. Grubb, one of the associate justices of the Supreme Court of the state, who also wrote most of the sketches of the bench of the state and obtained the larger part of the portraits for reproduction.

SERIES 5, OF VOLUME I.

Is devoted exclusively to the state of Connecticut. It was published in 1889. The historical sketch was contributed by Hon. Simeon E. Baldwin, of the Supreme Bench of the state. Historical sketches also appear by the present Chief Justice Clark B. Andrews; by Ex-Judge Elisha Carpenter; by the late David Dudley Field, and by various others. The sketches are from a great variety of sources and aid has been rendered by the members of the present bench, by Ex-Judge Dwight Loomis; Judge A. M. Talmadge; Judges Wheeler and Prentice, of the Superior Court; Rev. S. O. Seymour, of Litchfield; John C. Averill, Esq.; Hon. John A. Porter; Mrs. Wood, the daughter of Judge Beadsley; Caroline J. Taylor; Henry Balden; Roger Foster, of the New York bar, and many members of the bar and the families of deceased, former members of the Supreme Court.

The remaining series relate to and embrace the states of Rhode Island, Minnesota, the new Supreme Court at Santiago de Cuba, organized since the recent war with Spain, and the state of Ohio, in which the historical sketch is written by Judge Conway W. Noble, of the Cleveland bar, and aid rendered by a very large number of judges, ex-judges, and members of the bar of the state, among whom I name E. B. Kinkead, Esq., of Columbus; Gen. Wager Swayne, of New York; Col. W. A. Taylor, of Columbus; the Ohio Society of New York, Mr. Littleton, its custodian; George Brinkerhoff, of Mansfield; Judge Franklin J. Dickman; Hon. S. A. Harris; E. B. Convers, Esq., of the bar of New York; Judge Cox, of Glendale, Ohio; Josiah Morrow, Esq., of Lebanon, and many others.

Much time has elapsed since the first publication in 1892, but the delay in the completion of sufficient states to constitute a volume has seemed to be almost inexcusable.

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The work of preparation went on in a large number of states at the same time.

The preparation of the historical sketch, although important, was not at all the most difficult service to complete.

It was found to entail extraordinary delay to obtain sketches of the early and dead judges and portraits of them. Applications have to be made to the families of the deceased judges, their relatives, and a state may be nearly completed and still delays come unavoidably in securing both portraits and sketches of the remainder.

The work is going on in a large number of states at the same time, and the states earliest completed will be utilized first.

It has also been found necessary to add an addenda at the end of Volume I., in order that the sketches and portraits may include the judicial changes that have occurred in the states embraced in the earlier series and that each of the states may be written up to date (1900), so as to embrace the new judges in each state, and also include any new portraits and sketches which were not available when the several series were published.

The Editor appeals to the bench and bar of the states to aid him in supplying portraits of ex-judges and, so far as possible, sketches of the judges. The greatest care will be taken of all portraits loaned.

The aim and purpose of the work has been, and will continue to be, to reproduce all the available judges of the Supreme Court of the various states. Thankful for past courtesies from both bench and bar, in those states that have been published, as well as those unpublished in which the work is going on, I shall present Volume I, of the work, completed during the present year, with each state, so far as possible, written up to date (1900), so as to make the work the most valuable and reliable from a historical point of view of any publication extant of this kind.

March, 1900. CLARK BELL.

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MILK INSPECTION IN NEW YORK CITY.

Dr. Herman Betz, Ph. G., communicates to the Medical News a detailed statement of the system of milk inspection by the health department in the city of New York. It is an interesting paper and demonstrates that the precautions taken in the city of New York, regarding the milk supply, are of the best kind and that it is the best extant.

The subject was brought before the New York County Medical Society, Dr. George B. Foster, president, in the chair, at the January session, 1900.

Dr. Henry Dwight Chapin made an interesting presentation of the facts connected with the New York City milk supply, which amounts to a million and a quarter quarts per day.

TUBERCULOSIS IN ITS MEDICO-LEGAL RELATIONS.

The great public interest in the ravages of this disease and the great impetus given to its study, and as to what legislation will be of greatest value in dealing with the problems surrounding the discussion of the involved questions, will explain why the Medico-Legal Society devote so much time and study to this subject.

The proceedings of the recent American Congress of Tuberculosis held in New York City, February 21st and 22nd, 1900, with the papers presented, seem only to open the discussion of the questions involved to both professions and illustrate the hold this subject has on the lay mind as well as the medical.

The congress presents as an opening some fifteen or twenty papers and call upon the students of the disease to continue the discussion of the preliminary papers, to be included in the second part of the Bulletin of the Congress.

The Bulletin of the Congress will be published in two parts. Part one, to be shortly published, will contain besides the transactions, at least fifteen carefully selected papers of those already contributed, and part second, to be published later,

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will contain the remaining contributions, to which the congress has, by resolution, called on the profession at large, to contribute original papers and contributions at any time prior to October 17, 1900.

The enrolling fee of the congress is $3.00, which entitles the member to all the published proceedings free, and part 1, of volume I., will shortly appear at a cost of $2.00 per copy.

The title of papers contributed, or announced, that will not appear in the first part, will be stated in this number, so far as known. The board of officers of the American Congress of Tuberculosis and the personnel of its standing committees, the arge number of contributors, which will be hereafter made.

The officers of the congress and its standing committees will appear in another column.

THE NEURON THEORY FROM A PSYCHICAL POINT.

Dr. Wm. A. White, assistant physician at the State Hospital for the Insane, at Binghampton, read a very strong and interesting paper before the last session of the American Medico-Psychological Association, which is of great interest to students of neurology and psychiatry.

The neuron theory, as defined by Dr. White, is the mobility of the neuron (the nerve cells and its processes). The neuron is asserted "to be an anatomical unity, standing alone and by itself, without structural connection with its fellows."

Dr. White's paper is addressed to the inquiry of

1. Whether the neuron was really possessed of the power of motion, and

2. Under what conditions and in what manner this motion was manifested.

The experiments on which Dr. White bases his opinions and which he cited at length and with great research, are made by comparing the cells in an animal that has been killed after great fatigue or exposure to powerful toxic substances, with those of the normal animal, and noting the retraction. It is to

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this most delicate work that we must look for light upon this most interesting and extremely difficult histological problem.

The experiments are of great interest in cases of hypnosis, or where amnesia exists, connected with intoxication.

Dr. White claims that while the histologists have failed to establish this theory, yet that the facts of psycopathology strongly corroborate it, and that it has led to important discoveries.

While showing the importance of hypothesis, as, for example, the atomic theory of Dalton, which few controvert and which cannot be said to have been demonstrated, he strongly defends the value of hypothesis and its great gain to science, by inspiring the student to research as to its truth.

SKIM MILK.

It appears that the regulations in force prevent the sale of skim milk in New York. This is a most unwise and improvident, as well as an unsanitary, condition of things and needs remedial legislation to correct the present abuse of preventing its sale.

As a matter of fact no animal food compares, pound for pound, with skim milk as a food product.

A cheap, wholesome, reliable and healthful food, readily accessible, is absolutely denied to the poor people of the city of New York.

There are no serious obstacles in the way of regulating the importation and sale of skim milk in New York City.

The fault at present seems to lie with the public authorities, and legal enactments should correct the existing want of suitable regulations for the reception and sale of skimmed milk.

INSANITY AND HOMICIDE.

Dr. H. E. Allison, medical superintendent of Mattewan State Hospital for the Insane, presented a paper to the American Medico-Psychological Association at the session of 1898, upon

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"Insanity and Homicide," which merits attention from all interested in socialistic studies and in binology and criminology.

Dr. Allison shows that out of 179 insane persons who have committed homicide, over 53 per cent. were received from prisons, where they had been convicted and sentenced for life.

He estimates that 40 per cent. of these were clearly insane when the crime was committed. In many of these cases the fact of their insanity was not recognized at the trial and in some the defense was interposed but failed.

He says that 24 per cent. of all the "life men" in the state of New York are in the Mattewan State Hospital. That a large number found to be incurably insane have been pardoned and transferred to other state institutions.

Dr. Allison claims correctly that these facts indicate and show thal insanity itself, is a direct and prolific cause of homicide. This state of things unfortunately, owing to the strong prejudice against the defense of insanity, fills the prisons with insane persons.

A prison is not a suitable place for an insane person. Dr. Allison well says "The insane should be thoroughly sifted from the prison." A prison should be a place for both the punishment and, so far as possible, the reform of criminals, but it is not a proper receptacle for lunatics.

Dr. Allison charges the courts with neglect in not exercising greater care in determining the question of mental disease.

He recognizes and concedes that the present defective system of expert testimony is responsible for this state of affairs. The hypothetical question and the advocacy of the expert, he condemns. This lamentable condition seems to justify some who claim that the accused should be sentenced for life in all cases, because society is thus protected whether the individual be sane or insane, particularly the dangerous paranoic.

Dr. Allison claims that an equal safeguard would be afforded by committing them to a special hospital for the insane, as they are usually incurable, and would undoubtedly remain for years if not till death.

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Dr. Allison says that there are 398 homicidal inmates at the Mattewan State Hospital who had been charged with homicide, or assault in the first degree with attempt to kill. Of these, 225 were received from prisons, of which 97 were life cases, and 128 were under sentence for a term of years, and 173 were committed by the courts to be detained until recovered.

Under this system an insane man committed as if he was sane for a term of years, would be liable to be discharged at the expiration of his term to the danger of the public.

He says, one convict now in his custody has committed four separate homicides, and served four sentences in prison.

Now, what is the lesson to the state from this statement of Dr. Allison? The laws of the state forbid in the most emphatic manner the conviction of the insane as criminals.

Notwithstanding this, the insane are constantly convicted as criminals and sent to the prisons where none of them should for a moment, be and which are entirely unfitted for them. The popular prejudice against the defence of insanity is wrong, and a menace to the public safety.

Every one of these 398 inmates were insane and their convictions were in violation of law and of their rights.

They are all stained with the stigma of a felon, attached to their awful burden of insanity, and in violation of the law of the land.

They are the wards of the state and entitled to its protection, instead of receiving the brand of a felon, on brows innocent of crime.

This should arrest the attention of the state legislators, who should consider it. Governor Roosevelt should consider what is the duty of the executive in confronting such a sad spectacle.

When the Earl of Shaftesbury made his memorable plea to the English Parliament for the amelioration of the condition of the insane of England; he based it on their sad state, which left them wholly without one single voice from among their own number that could be raised in their defense.

It is unworthy of our civilization that we send the innocent

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insane to prison, because of our absurd prejudice against the plea of insanity as a defense.

How can we repeat the superb maxim of the law "Better that ten guilty escape than that one innocent man should suffer," when nearly 400 innocent insane, not quite one-quarter of those in the whole state, have been unjustly and in violation of law, sent to prison; instead of the inauguration of a system under which they could have been at once transferred to the hospital, and saved the stigma of a crime upon their memory?

PREMATURE BURIAL.

We give the following letter from Dr. James W. Bartlett, of Dover, N. H.:

211 CENTRAL AVE., DOVER, N. H., March 12, 1900.

CLARK BELL, ESQ., 39 Broadway, New York City.

EDITOR MEDICO-LEGAL JOURNAL,

Dear Mr. Bell:—I see the Medico-Legal Society is taking up the matter premature burials, for which I am very glad. The late Dr. Horsch caused our city (Dover) to pass an ordinance in 1883, requiring the attending physician in a case of death to make a thorough examination of the deceased person before a burial permit would be granted. The city paid $1.00 for such examinations in all cases, rich or poor. Being in the city council at that time I was able to help on the measure.

Four years ago our city government, at the request of the mayor, repealed this ordinance with only *one* dissenting vote, and thereby saved the city some $300 per year. This sum was immediately expended in needlessly frescoing the city hall, one of the council (not the one who voted *no*), contrary to law, doing the work.

Yours very truly,

JAMES W. BARTLETT.

P. S.—Nearly all the leading physicians protested to the city government against doing away with that examination.

THE INTERNATIONAL LAW ASSOCIATION AND ITS MEETING AT ROUEN, FRANCE.

The American Law Review, in its March and April number, 1900, makes a very strong remonstrance against holding the session of the International Law Association as proposed at Rouen, France.

It is based wholly on the action of the French court martial

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in the Dreyfus case, the details of which it rehearses, and opposes any meeting on French soil until what it calls "this infamy is redeemed," and very strong language of denunciation of the conduct of the trial is indulged in, for which the French nation is held responsible.

We regret that any such comments have been made by our esteemed contemporary. Neither the French nation nor the French courts are responsible for that most extraordinary proceeding. It is quite absurd to dignify that trial by calling it a judicial proceeding. It was simply a military court martial. Not a French judge sat in it, and only French officers of low rank; we think, no one above the rank of colonel. Not one man who had any knowledge of law. We can conceive of a military court martial under our own system that would, when the officers of the army took sides, held by inferior officers, making as strange rulings as did this French court martial.

The French courts had no more jurisdiction over it than ours would in an analogous case, except in France the accused could and did appeal to the Cour de Cassation, which in America he could not have done no matter how outrageous were the rulings and the findings.

There is no purer fountain of justice than the highest judicial tribunal of France. The Court of Cassation of France has a record equal to that of the Supreme Court of the United States. It has never been tarnished, not a stain rests upon it.

It was due to the act of this court that the impossible (almost) was accomplished in securing a new trial for Dreyfus, before a military court martial. In our country this could not have been secured through the Supreme Court of the United States. The conduct of the French Government in securing this new trial was most praiseworthy.

The criticism of our contemporary is both unjust and unfair to France and to the high court of France. What would the editor of the American Law Review say of a leading French law journal who would denounce our country and the Supreme Court of the United States, because of the action of an inferior

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military court martial and its outrageous violation of law, which are entirely outside the jurisdiction of our American courts.

Does any one doubt that the decision of this court martial in the Dreyfus case would have been set aside by the Cour de Cassation, had the appeal of Dreyfus ever come before it? Dreyfus accepted his freedom by the clemency of the French Government, and he withdrew his appeal.

Justice in the civil courts of France, and in the Cour de Cassation, is as secure as in any nation in Christendom, and the French judges and lawyers would not differ from those of our country, on the outrageous decisions of the court martial in the Dreyfus case.

PSYCHOLOGICAL PROBLEMS RELATING TO CRIMINAL CONFESSIONS BY INNOCENT PERSONS.

Thomas Jay Hudson, of Washington, the eminent psychologist, has been invited to speak before the Medico-Legal Society. He has accepted the invitation and has selected the above theme.

It has been decided in his honor to call a joint session of the society and of the Psychological Section, for the third Wednesday of May, 1900, and to have both meet at the Hotel St. Andrews, at dinner, on that day at 7 p. m. The paper to be read at 9 p. m., and the discussion to follow it later. Distinguished psychologists will be invited to meet Mr. Hudson, as well as penologists, and preparations will be made to give Mr. Hudson an agreeable reception.

MEDICAL ETHICS.

Dr. Schenk, who was recently dismissed from the chair of embryology at the University of Vienna, because he gave his theories of sex determination to the public and lay press, announces that he will probably come to America.

The energy and enthusiam of the public lay press in America

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is something marvelous and not understood by medical men. The reporters who extract from physicians the cream of their work and the best part of their papers, relating to the new discoveries in science and ventilate them in the lay press, frequently do medical men irreparable injury. Dr. Schenk may have been the victim of an enterprising reporter who ran him down, obtained his views, and then wrote him up. Let us hope so.

Assuming that Dr. Schenk had made important discoveries in science in this regard, and that his motive in giving them to the profession and the world was not for personal gain on his part, would medical ethics allow an inquiry to be instituted as to whether his action was for the good of the race and praiseworthy, or must a medical man, who has made a discovery, withhold it from mankind.

We do not know the facts in the case of Dr. Schenk giving his discoveries free to the race, but it is just possible that his action may have been condemned from a narrow view, as to what rights the medical discoverer really had to his invention and discovery.

NOTICES TO MEMBERS OF THE MEDICO-LEGAL SOCIETY, ACTIVE, HONORARY, AND CORRESPONDING.

1. Part 2, of the Bulletin of the American Congress of Tuberculosis, will be kept open for additional articles to the large number already contributed, until the meeting of October 17, 1900, and all who take an interest in tuberculosis are invited to send in:

a. The titles to their contributions as soon as convenient.

b. The completed papers before the eighteenth day of October.

c. Copies of the preliminary papers will be furnished on application to those desiring to contribute to the discussion.

2. The question submitted as a symposium for the April

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meeting, and to which a large number of replies have been sent for the April meeting.

"What has been, in your opinion, the most notable advance in that branch of forensic medicine with which you are most familiar during the nineteenth century?"

Short replies are desired rather than extended communications.

Or the question, "What have been the most important factors in the progress and advancement of the science of medical jurisprudence in the nineteenth century?" These have been and will be sent to all the members and to a large number of the corresponding members and to many of these too late for are ply to be furnished by the date of the April meeting of the society. It is desired that the time to make the replies to these questions be extended until June 15, 1900, so that they could be collected and published in the June number of the MEDICO-LEGAL JOURNAL.

If any officer or member of the society or of the sections of the society, including its corresponding members, will make a reply to these queries prior to June 15th next, it will be gladly received.

MEMBERS lose sight of the library and the efforts made to enlarge its influence. It is hoped this will not be overlooked in the future, and that contributions of at least one volume in each year be made.

MEMBERS desiring to go abroad to attend the Paris Exposition or any of the European societies or congresses, are requested to send their names to the president, who has been authorized and empowered to name the delegates to the various sections of the Paris International Medical Congress from this body, as well as to all the foreign and home societies with whom the Medico-Legal Society is in correspondence.

Members who have not completed their arrangements for the passage of the Atlantic will find it to their interest to communicate with the president in respect to Atlantic transportation.

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THE president of the Medico-Legal Society will feel obliged if members, who intend going abroad this summer, will notify him and give their foreign addresses and dates so that he may be able to communicate with them.

THE selection of delegates to the various sections of the International Medical Congress is under consideration, as well as to the various societies and bodies with which the Medico-Legal Society is in correspondence. It is the wish of the officers that the Medico-Legal Society be represented abroad the coming summer, as far as possible, by members, and also the home societies.

MEMBERS who have promised papers for the International Medical Congress, who will be unable to furnish them in time, will please advise the chairman or secretary of the Auditing Committee at once. Those who intend to forward papers should send them forward at once for transmission.

THE question submitted to the members for the symposium as to the "Progress of Medical Jurisprudence in the Nineteenth Century," has been sent to some who will not be able to reply in time to reach the body at the meeting of the society on the eighteenth of April.

As the publication of these replies can not reach the readers of the JOURNAL until the June number appears, it is respectfully requested that those who have not responded will kindly do so, so as to reach the editor of this JOURNAL not later than the fifteenth day of June, 1900.

PERSONAL.

THE Editor of this journal has been elected an honorary member of the State Historical Society of Kansas, for which his thanks are publicly tendered.

THE United States Government, on the twenty-first of March, 1900, appointed the Editor of this journal a delegate to

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the Thirteenth International Medical Congress of Paris, of 1900. This is a high honor, as it seems to one who is not a medical man, but is doubtless due to the fact that Professor Brouardel and Dr. Motet, who are at the head of the section of Legal Medicine of that congress, requested his aid in organizing an auxiliary committee to aid the work of that section, at the Paris Congress, of which the Editor was chairman.

DR. EDWARD CHAPIN, of Brooklyn, has been appointed, by the State Board of Regents, a member of the State Board of Medical Examiners in place of Dr. A. B. Wright, of Buffalo, deceased.

JUDGE HENRY V. FREEMAN, it is announced in the Medical News, will lecture on "Medical Jurisprudence," in Rush Medical College, Chicago.

DR. WILLIS H. HAVILAND, of Montana, was presented with a valuable testimonial, by the Order of Elks, at the close of his service as head of the organization, an account of which is given in a leading Montana journal.

SIR WILLIAM GARDINER.—It is announced that this splendid observer has resigned his chair of medicine in Glasgow University.

LORD LESTER succeeds the late Sir James Pagett, as sergeant-general to the Queen of England.

DR. NICHOLAS SENN, surgeon-general of Illinois, of Chicago, says that "War is becoming more humane," which he attributes largely to the Geneva Convention, and he cites some personal experiences from the Santiago campaign.

We think Dr. Senn's views will be supported by the incidents of the South African war, which, despite the sensational accounts from both sides, seems to have been conducted on a still higher plane. The undisputable evidence of the British prisoners as to the kindness of the Boers is most gratifying evidence in this regard. Out of the large number of British prisoners in the hands of the Boers, we hear only one uncon-

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tradicted report of kind action by the Boers to British prisoners.

FRANK WOODBURY and Seneca Egbert, who have considered the experiments and claims of Prof. Huater that "Alcohol is a wholesome or useful food," deny that he has produced any evidence to that effect, or against, the accepted view that its action on the body is always destructtve and never constructive.

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BOOKS, PAMPHLETS AND JOURNALS RECEIVED.

THOMAS E. SATTERTHWAITE, M. D. Recent Methods in Cardiac Therapeutics in Baths and Exercises. 1900.

PROF. F. J. HERGOTT, Nancy. La Practique des Accouchements, Obstetrique Journalieux, pa Henri Varnier. 1900.

CHARLES DENISON, A. M., M. D., Denver. The Climate of Colorado for Respiratory Diseases. 1898. The Preferable Climate for Consumption. 1897.

GEO. B. MILLER, M. D., Philadelphia. The Use of Thermol in Typhoid Fever. 1899.

M. J. WHITE, M. D. Biennial Report of the Milwaukee Hospital for Insane for 1897 and 1898. 1899.

PROF. R. HARVEY REED, M. D., Surgeon General of Wyoming. Minor Traumatisms. 1899.

WM. FRANCIS DREWRY, M. D. Feigned Insanity. Report of three cases.

B. D. EVANS, M. D. Twenty-fourth Annual Report of the New York State Hospital. 1899.

CHAS. D. AARON, M. D., Detroit, Mich. Stricture of the Esophagus, and Electrolysis by a new Esophagal Electrode. 1899.

ISIDORE DYER, M. D., New Orleans. Prostitution and Venereal Diseases in their Relation to the Public. 1899. The Municipal Control of Prostitution in the United States. 1899.

CRIMINAL APPEAL COURT; Legislative League Manifesto and Appeal.

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MAGAZINES.

THE HOME JOURNAL. This splendid reminiscence of the nineteenth century, which has, for more than the last half, gone into thousands of American homes; clean, graceful, and full of the most elegant, cultured, and refined reading, has come into a renaissance in these Easter days, and comes to us in a new garb and dress.

We must wait a bit and see whether we are to give our hearts to the new love before we bid adieu to the old. I took the Home Journal when a boy, more than forty years ago, and have never been outside its charming, genial, cultured influences.

To me it has all the memories of Morris and N. P. Willis, and that coterie of literary talent that Morris Phillips has known how to tie to its fortunes with hooks of steel. We shall wait this new departure with interest—what next Morris Phillips? We shall expect illustrations shortly.

THE RAVEN, St. Louis. Ralcy Husted Bell has taken charge of this croaker of the west, and a change has come over the spirit of its dream. Those who call the raven a bird of ill omen, better recast their horoscopes.

Ralcy Husted Bell has won his spurs as a poet of no mean merit not only, but he has made the Raven a singer of joy and delight, and Poe's "Raven" is under the magic of the sweetest singer of the south, to be changed into a bird whose song is full of the intensest symphonies of the divine passion. But the Raven has higher aims than the extacies of love or the triumphs of song.

His last number sets a pace that will be hard to keep in the race of a journal's life. In artistic design, in the tone and quality of its aims, the Raven has high ideals. It looks like the eagle on the sun, with glance undimmed. It soars into the Alps of higher journalism.

What is the real aim and plan of this literary magician, who, having scaled the Alps of poesy and song, now seems to aspire to a higher and nobler field in letters, and in the advanced plane of a higher literature.

THE MEDICAL RECORD, N. Y., George F. Shrady, M. D., editor. There has been an enormous forward movement latterly in this journal. It now compares favorably with that ablest of the English medical journals, the London Lancet. Contrasted with its work of a few years since, it has made gigantic strides forward. It has improved one hundred fold in the last decade.

Dr. Shrady has enlarged his ideas of the mission and work of a medical journal. He has studied more closely the London Lancet and its methods, and has placed the Medical Record at the head of the weekly medical journals of the United States. Contrast, for example, the April 7, 1900, number of this journal, with that of the same date five and ten years ago, and the splendid advance will be more apparent.

Dr. Shrady has undoubtedly secured valuable aids on his medical staff, who are nameless after the plan of the Lancet, which is his model, as it seems to us, and he has placed his journal in the front rank of American medical monthlies, rivaling the Boston Medical and Surgical Journal and the very able journal of the American Medical Association of Chicago.

THE INDIAN REVIEW, G. A. Natesan & Co., publishers, Esplanade, Madras, India. The first two numbers of this new journal are before us, and the new aspirant starts well in its career for public recognition and favor. Its literary articles are of a high order. It has a column on legal topics, one on medical, and one on scientific notes. It has a peculiar

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interest in giving readable thoughts on current themes in India, devotes much space to the new Indian University, as proposed; the war in the Transvaal, and other subjects of interest.

A. Kees contributes an article to the February number, 1900, on "The Criminal Responsibility of the Insane," in which he treats it from the English standpoint. He says of recent English rulings and decisions, that "Mr. Justice Blackburne recently related to a select committee his experience of a certain trial before him, and said 'the prisoner clearly knew right from wrong, and knew the character of her act and was quite aware of what she had done, but I felt it impossible to say that she should be punished. I told the jury there were exceptional cases.'"

Other justices have acted in a more or less similar manner, and Mr. Justice Hawkins declared in the course of a trial before him, that the law with respect to the responsibility of criminal lunatics was "in a very unsatisfactory state," while Lord Bramwell declared before a committee, that "the present law lays down such a definition of madness that nobody is hardly ever mad enough to be within it."

THE COLORADO MEDICAL JOURNAL, Denver, Col., W. N. Beggs, A.B., M. D., editor and publisher. The March number, 1900, of this journal contains the preliminary paper on the "Discussion of Tuberculosis," by Dr. C. Denison, of Denver, submitted by him to the American Congress of Tuberculosis, held in New York, February 22, 1890.

It devotes considerable space to the subject of tuberculosis and notices the American Congress of Tuberculosis, held in New York, with some faults of proof reading in the names of the officers. We shall send complete proceedings and copies of papers read before that congress to this enterprising journal.

THE LEGAL GAZETTE. Geo. E. Snyder, Esq., Editor, Huntington, Tenn. No. 1 of Vol. 1 of this new Law Journal is on our table. Its leading articles are by Charles Fisk Beach, Jr., on "The Profession of Law in England," and Geo. T. McCall, of the Bar of Tennessee, on "Admission to the Bar of Tennessee." We wish the new journal success.

THE ASTROLOGICAL MAGAZINE. B. Suryanarain, B. A., M. R. A. S., Madras, India. The opening number of Vol. 4 of this Journal for 1900 is on our table. It casts the horoscope of Queen Victoria and claims that the leading events and incidents of her reign were foretold by the stars—some of them nine years in advance—notably her marriage; also that of the China Treaty, and the war in Scinde; also that the war in Russia and the India mutiny were predicted in advance in Zadakiel's almanac for 1854 and 1857. This number contains many items of interest and we shall be glad to exchange.

BULLETIN OF THE BELGIAN SOCIETY OF MENTAL MEDICINE, Ghent and Leipzig. No. 95, December, 1899, is before us. Dr. Paul de Decker, Medical Director of "Kiekhuis" de St. Nicolas, was elected a member of the Belgian Society of Mental Medicine. Dr. Deperon, Medical Superintendent of the Colony at Lierneux, was elected a Vice-President of that Society at the October Session, held at the University of Brussels, under the presidency of Dr. De Boeck.

This number contains an article by Dr. Paul Sierneux and M. Le Farnarier, on General Paresis and Syphilis. Also a paper by Dr. Havet, of the colony at Gheel, entitled "Prolongements des Cellules, Nerveuses des Inverlebres et des Vertebres."

Dr. Ley, of Antwerp, contributes a paper entitled "Traitement des Enfants Idiots and Arneresin Belgique."

The address pronounced by M. H. Willeanears, Procureur General, at the opening session of the Court of Appeals of Belgium, entitled "Laloi Sur le Regime des Alienees," which is a most able presentation of the Law, in Belgium, relating to the insane and the courts, we regret the want of space to produce entire, as it is a most important contribution to the Literature of the Medical Jurisprudence of Insanity.

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EX-CHIEF JUSTICES SUPREME COURT OF RHODE ISLAND.

HON. SAMUEL WARD,
1761—1762.

HON. SAMUEL AMES,
1850—1865.

HON. GEORGE A. BRAYTON,
1868—1874.

HON. THOMAS DURFEE,
1865—1891.

From advance sheets Supreme Court of the States and Provinces of North America.

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SUPPLEMENT.

EX-CHIEF JUSTICES SUPREME COURT OF RHODE ISLAND.

STEPHEN HOPKINS.

EX-CHIEF JUSTICE OF RHODE ISLAND.
1751–1755. 1770–1776.

Stephen Hopkins was born in Scituate, R. I., March 7, 1707, and died in Providence, R. I., January 13, 1785. He was one of the signers of the Declaration of Independence.

He was a member of the General Assembly of Rhode Island from 1732 to 1738, was made a Magistrate and Justice of the Court of Common Pleas in 1736, and became Chief Justice of that Court in 1739. In 1741 he was sent to the Assembly and chosen Speaker. In 1751 he was elected for the fourteenth time to the General Assembly and in the same year appointed Chief Justice of the Supreme Court.

He was elected Governor of the Colony of Rhode Island in 1756 and held that office until 1764, except one year, when Saul Ward defeated him. He was re-elected Governor in 1767, but resigned. He was very active and aggressive against the English encroachments upon the colonies. In 1772 he was again elected to the General Assembly and re-elected until 1775. While holding a seat in the Assembly, and afterwards in the Continental Congress, he filled the office of Chief Justice of Rhode Island, being appointed for the second time to that station in 1773.

He was elected to the Continental Congress in August, 1774. He was one of the Committee of Safety of Provi-

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dence, and in 1775 was elected to the 2nd Congress. He was a member of the 3rd Congress. He was not a member of Congress in 1777, but was in that of 1778. From 1777 to 1779 he was an active member of the General Assembly. He was a member of the Naval Committee in Congress, and also of the committee that drafted the Articles of Confederation for the government of the States. He was a powerful and lucid speaker. He worshipped with the Friends, but was very broad in his religious views.

JOHN COLE.

EX-CHIEF JUSTICE OF RHODE ISLAND.
1764-1765.

Judge John Cole was the son of Elisha Cole, of North Kingstown. His father was one of the largest land holders in the county, then Kings County, and later Washington, and for many years a member of the State Senate.

John Cole obtained an early education in the English branches; and was well instructed under a foreign instructor in the Greek and Latin languages.

He studied law in the office of Daniel Updike, Esq., then Attorney-General, married his daughter Mary, was admitted to the Bar and commenced practice in the city of Providence.

He soon won a fair share of the practice of the county and a considerable business on the circuits.

In 1763 he was elected an Associate Justice of the Supreme Court.

He was elected by the General Assembly Chief Justice in 1764, and took his seat May, 1764. This was the era of the Stamp Acts, and taking an active part in opposition he was in October, 1764, appointed by the Legislature to

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act in unison with the other Colonies in resisting the Act.

Chief Justice Cole resigned the office of Chief Justice, to oppose the taxation of the Colonies, and he was elected to the Legislature in 1765, served in 1766, and in May, 1767, was chosen Speaker of the House. He declined a re-election in August, 1769, when in February, 1775, the General Assembly constituted a Maritime or Vice Admiralty Court, of which John Foster was chosen Judge, Ex-Chief Justice Cole was made Advocate General, a position which he held during life. He was for many years President of the Town Council of Providence.

General James M. Varnum, of Rhode Island, spoke of Judge Cole as an advocate of respectable talents.

He describes him as a handsome speaker, a sound lawyer and of a fair and honorable character. He is said to have been large in person, six feet in height, corpulent and severely affected with the gout.

He died in 1777, in the hospital grounds of smallpox, for which he had been induced to undergo inoculation.

NOTE.—The materials for this sketch are from Updike's Memoirs of the Rhode Island Bar. (Thos. H. Webb & Co., Boston, 1842.)

WILLIAM ELLERY.

EX-CHIEF JUSTICE OF SUPREME COURT OF RHODE ISLAND. 1785-1786.

Wm. Ellery was one of the signers of the Declaration of Independence. Born in Newport, Rhode Island, December 22, 1727. Was educated by his father of the same name. Graduated at Harvard, 1747, and began the practice of the law in Newport Rhode Island in 1770; having served as Clerk of the Courts for two years before that date.

In 1776 he was chosen as colleague to Stephen Hopkins, a delegate to the Continental Congress. He continued in

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Congress till 1786, (except the years 1780 to 1782). He was elected Chief Justice of the Supreme Court, June, 1785, but only served till May, 1786, after which he served as Collector of the Port of Newport till his death, February 15, 1820.

He was of moderate stature with a large head and impressive features, highly esteemed for his social qualities, being intimate with all the distinguished men of his time.

PELEG ARNOLD.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.
1795-1809. 1810-1812.

Chief Justice Peleg Arnold was born in Smithfield, R. I., in 1752. He received a liberal education; studied law and was admitted to the Bar of Rhode Island.

He was a member of the General Assembly of the State from April 9, 1787, to Nov. 1, 1789, and was delegate to Congress under the Confederation.

He was Chief Justice of the Supreme Court of the State from June, 1795, to June, 1809, when he was succeeded as Chief Justice by Thomas Arnold, who served as Chief Justice from June, 1807, to May, 1810.

Peleg Arnold was then re-elected Chief Justice, and served from May, 1810, to May, 1812.

He died at Smithfield, Rhode Island, February, 13th, 1820.

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HON. JAMES BURRILL, JR.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.
1816-1817.

Ex-Chief Justice Burrill was born In Providence, Rhode Island, on the 25th day of April A. D., 1772. He was remarkable in his youth for quickness of apprehension, an engaging disposition, and a thirst for knowledge. He was accustomed also to pay an unusual deference to religious observances, a trait which characterized him through life. The rudiments of his English and classical education were acquired in the school of Mr. William Wilkinson, of Providence, a celebrated instructor in those days. In September, A. D. 1784, at the age of twelve years, he entered the freshman class of Rhode Island College, now Brown University. At the commencement in September, A. D. 1788, he graduated, and immediately commenced the study of law, at the age of sixteen, in the office of the Hon. Theodore Foster, then a lawyer of extensive practice. In May, 1790, Mr. Foster was elected a Senator in Congress, and retired from professional business. Mr. Burrill then entered the office of the Hon. David Howell, where he remained until September, A. D. 1791, when he was admitted to practice in all the courts of Rhode Island. At the early age of twenty-five years, he was appointed Attorney General of the State, and held it amid all the revolutions of party, nearly sixteen years, when, in May, 1813, on account of impaired health, he at the same time resigned that office and the practice of law. In June following he was elected a member of the Legislature for the town of Providence. In May, 1814, he was chosen Speaker of

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the House of Representatives. At the May session of the General Assembly he was appointed Chief Justice of the Supreme Judicial Court; which office he held till the following February, when he was elected to the Senate of the United States. He attended four sessions of that body. On the 25th day of December, A. D., 1820, after a few days illness of pulmonary complaint, he expired in the full possession of his mind, with the hope and trust of a christian.

As a lawyer, Mr. Burrill had no superior in his native State, and a few in any other section of the Union. At the beginning of his professional labors, he was distinguished for a comprehensive knowledge of the principles and practice of law. His mind was clear and strong; it could master the most intricate questions, unravel the web of sophistry, and present truth in its most captivating garb. An active zeal, thorough preparation in argument, unsullied integrity, contributed to his fame. His knowledge was not confined to his profession. In the closet he studied elegant literature. He loved its beauties. It was his delightful recreation, after the toils of the forum, to linger over the pages of poetry, read the lofty speculations of philosophy, and learn from past history, lessons for the future. Few minds contain such treasures of historic and scientific truth, as did his; yet he disdained everything like pedantry. By his own merit he stood on an eminence commanding admiration.

But his fame was not restricted by the narrow limits of party and sectional divisions. Fearless in the expressions of his opinons and zealous in political warfare, yet he enjoyed to the last general respect. In his own State, his popularity and influence were almost unlimited. The sentiment of Burke, in him, was practically illustrated. "Before one is honored with national confidence, he ought to

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obtain such a degree of merit in his own neighborhood, as may be a pledge and security to the public, that he will not abuse their trust."

Mr. Burrill, in the Senate of the United States, attained the first rank of honor and esteem. "He reached that point not by the pliant arts of a courtier; nor by the bartering, shuffling chicanery of intriguing politicians. It was by his candor, patriotism, wisdom in council, his powers in debate; the diligence and fidelity wherewithal he kept the high trust reposed in him by his country. The high-minded men with whom he controverted great questions of national interests, beheld with delight the noble bearings of their adversary, and cheered him with their confidence, and cherished him with their esteem and friendship."

In all important debates he took a chief part. Among the questions of interest at that period were the Seminole War, and the restriction on slavery. On the former, he was one of a tribunal formed from the Senate with high powers. Through the contest he was so impartial, so firm in his own sentiments, yet moderate towards others; that he received the unqualified homage of his political opponents.

The extension of slavery by the admission of Missouri into the Union, was opposed by Mr. Burrill with his usual zeal and ability. He lived, however, to see "Slavery with all his chains oared across the Mississippi." During his whole career in the Senate, he was ever ready to advocate and explain great principles and to plead for the diversified interests of this country.

Mr. Burrill's style of speaking was of the most simple and unambitious character. He never attempted any dis-

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play in oratory. His elocution was clear, vigorous, always to the point.

NOTE BY THE EDITOR:—The foregoing sketch of Chief Justice Burrill, is taken from the eulogy pronounced by Tristam Burgess, on the occasion of the death of Chief Justice Burrill, on the invitation of the Providence County Bar, in January, 1826, and is taken from the Memoir of Tristam Burgess, by Henry L. Bowen. (Providence, 1835), p. 42.

HON. TRISTAM BURGESS.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.
1817—1818.

Judge Tristam Burgess was born in Rochester, Plymouth county, Mass., on February 26, 1770. His father's name was John Burgess, his mother's Abigail.

His father entered the continental army as a Lieutenant in the fall of 1775, but was taken seriously ill the following winter, which prevented his active service, and he died in 1792, leaving three sons and five daughters, of whom Tristam was the youngest son. He never attended a school until he was fifteen years old, when he attended the school of Master Bowlin six weeks, to learn to write, his sister having taught him to read, but he was an omniverous reader of books, preferring Medicine, but remained with his father, who was a cooper, until he was 21 years old.

He entered the Academy of Doctor Williams, at Wrentham, Mass., in April, 1791, when he was sick for some months, and he did not resume his studies till October.

He entered Brown University after a terrible struggle with poverty, and graduated with honors in September, 1796. His oration at Commencement is preserved and is a classic.

He studied law with Judge Barnes, of Providence, supporting himself by teaching school, and was admitted to

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the Bar of Rhode Island in 1799, and entered upon a successful career, gaining great fame as an orator.

In 1811 he represented Providence in the General Assembly, and was re-elected in 1812, but resigned. In May, 1815, he was appointed Chief Justice of the Supreme Court of Rhode Island, to succeed James Burrill, Jr., who had been elected to the United States Senate. This office he held but for one year, the opposing party having gained the ascendancy, and he resumed his profession.

He was offered and accepted the chair of Oratory and Belles Lettres in Brown University. In 1825 he was elected to Congress after a violent contest over Judge Eddy, and took his seat December, 1825, where he took a commanding position by his eloquence. He was re-elected in 1827, and in 1829 his seat was unsuccessfully contested by Judge Eddy, then Chief Justice of the State.

Mr. Abraham Payne, in his "Reminiscences of the Rhode Island Bar," in speaking of Chief Justice Tristam Burgess, whom he hardly knew, relates this anecdote: "I saw him once in the hall of the old Franklin House addressing a committee, whether of the City Council or of the General Assembly I do not now remember, nor do I recall the subject under discussion. I remember the bent figure of an old man dressed in a grey business suit, his eyes undimmed and his mental vigor unabated.

His manner was calm and gave no hint of the terrible force which had given him his ascendancy in the courts of Rhode Island and in the halls of Congress; but there was a rare felicity in the construction of his sentences, and his elocution was perfect.

I had heard nothing like it before, nor have I ever heard anything to compare with it since, except when listening to Rufus Choate or Wendell Phillips."

The same writer says of him:

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"As an orator Mr. Burgess had a style rhetorical and ornate, quite out of fashion in those days.*

"He followed Mr. Whipple once, in the old town-house, commencing thus: 'Who shall paint after Raphæl, who shall speak after Cicero?'" and in speaking of the fashion in those days, of the great New England orators to predict the ruin of the country, and citing Judge Story and Daniel Webster in this field of oratory, says: "Mr. Burgess, depicting with graphic power the calamities which threatened the future of the country, said, in words gathering pathos from his own experience: 'Then happy will the old man be who shall have sheltered his last daughter in the sanctuary of the grave.'"

ISAAC WILBOUR.

EX CHIEF JUSTICE OF THE SUPREME COURT OF RHODE ISLAND.
1819-1827.

Chief Justice Wilbour was not a lawyer, but was a farmer by occupation. He was chosen Chief Justice in May 1819, and served until May, 1827.

He was the last of the lay Judges of Rhode Island. He was elected Lieutenant Governor of the State, in 1810, and served one year. He was elected to Congress in 1807, and served to 1809, when he was succeeded in the office of Chief Justice, by Chief Justice Eddy. Some one is reported to have said that, "though the public would get more law, they would not get more justice," and on his retirement, the number of Judges was reduced from five to three.

*Mr. Payne's work was published by Tibbitts & Preston, at Providence, in 1885.

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SAMUEL EDDY, LL. D.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.
1827—1833.

Judge Samuel Eddy was born in Johnston, R. I., March 31, 1769. He graduated at Brown University in 1787. He studied law and was admitted to the Bar, but was not long in active practice.*

He was Clerk of the Rhode Island Supreme Court from 1790 to 1793, was Secretary of State from 1798 to 1819, when he was elected to Congress as a Democrat, without opposition, serving three terms till 1825.

He was elected Chief Justice of the Supreme Court in May, 1827; and served as such until June, 1835, when he was succeeded by Chief Justice Job Durfee.

He received the degree of LL. D. from Brown University in 1801. He contributed to the collections of the Rhode Island Historical Society, and in 1818, at Providence, R. I., published "Reasons for my Opinions."

He died in Providence, February 2, 1839.

The election of Judge Eddy marked a new era in the history of the Court. No Reports had been made prior to this time. Mr. Joseph K. Angell was made Reporter, and an opinion in 18 R. I. Reports was written by him. He was reputed to have been an able Judge and a man of the highest integrity.

* He was chosen delegate in 1790, before his admission to the Bar, to the State Convention which ratified the Constitution of the United States.

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EX-CHIEF JUSTICE JOB DURFEE.*

SUPREME COURT OF RHODE ISLAND.
1835—1843.

Judge Job Durfee was born in Tiverton, R. I., September 20, 1790. He was the son of Thomas and Mary (Louden) Durfee. Thomas Durfee was a lawyer by profession, and was, in the closing years of his life, Chief Justice of the Court of Commou Pleas for Newport county. The son, after fitting for college, entered Brown University in 1809 and graduated therefrom with honors in 1813. He studied law with his father and was admitted to the Bar in March, 1817.

He early took an interest in politics. In 1816 he was elected to represent his native town in the lower House of the General Assemby and continued to be semi-annually re-elected until 1821. In the Assembly he evinced such ability, and by his speeches made himself so well and popularly known, that in 1820 he was nominated and triumphantly elected Representative to the 17th Congress and was re-elected to the 18th Congress. In Congress he achieved distinction for fidelity to his duties and for his ability as a speaker, but he was not in full accord with his constituents on the question of the tariff, then becoming prominent, and, though nominated a third time, he failed to be re-elected.

From October, 1826, until May, 1829, he was again in the lower House of the General Assembly, serving as Speaker during the two latter years. In 1829 he declined to accept a nomination, and for some years occupied him-

* By Ex-Chief Justice Thomas Durfee.

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self with professional, literary and agricultural pursuits. In May, 1833, he was again returned to the General Assembly and was by that body elected an Assistant Justice of the Supreme Judicial Court, then consisting of three Justices, Samuel Eddy being the Chief. In 1835 Chief Justice Eddy declined to serve longer, and Judge Durfee was chosen to succeed him. He continued to hold the office of Chief Justice by annual re-election until 1843, and afterwards, under the Constitution, continuously, until his death.

It was not until some time in 1845 that it became the duty of the Justices, on the appointment of an official Reporter, to prepare written opinions on the cases decided by them. Previously, however, opinions were occasionally written, and some of them have been printed in the first volume of the Rhode Island Reports. The volume contains a few opinions of Judge Durfee, several written before and some after 1845. These opinions are clear and logical, compact in structures, and give evidence of careful preparation; but are not numerous and important enough to much enhance his reputation. The charges made by him, from time to time, to the grand jury, were of more interest for his contemporaries. These, instead of being mere explanations of the criminal law or of the duties of the jurors, were careful but popular discussions of certain great principles of law in both their intrinsic character and their practical applications. Several of them are published in his collected works. But the most signal service of the Court, while he was Chief Justice, was its treatment of an effort to supercede the colonial charter, then still in force as the fundamental law of the State, by a constitution claimed to have been adopted by a majority vote of the adult male citizens, acting of their own motion without the sanction of the law. It was contended that, inasmuch as

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the people are sovereign, the vote so given was valid and effectual. The Court refused to assent to this view. In a charge delivered to the grand jury by Chief Justice Durfee it was maintained that the people are sovereign only as they act under and in accordance with the law; that law gives them unity by making them a state, and that it is only as a political unit or State that they are sovereign; and consequently that the votes of a major part of the adult male citizens of the State, given without authority of law, for a new constitution, could not legally bring about its adoption, and any attempt to carry the constitution into effect, against the existing government, by force, would be treason. This view was acted on by the charter government, and subsequently applied by the court in the trial of Thomas W. Dorr for treason.

Judge Durfee was much interested in history, literature and philosophy. He carefully studied the early history of the New England colonies, with special regard to their troubles with the Indians and their treatment of Roger Williams. In 1832 he published a poem entitled "What Cheer; or Roger Williams in Banishment." It purported to be a narrative of the sufferings and adventures of Williams in the forests and among the Indians, in the winter, from the time of his banishment until his settlement in Providence. It was reviewed at length and with high praise by John Foster, the celebrated essayist, in *The London Eclectic Review* for July, 1838, and afterwards published at Leeds, with a highly recommendatory preface by the Rev. John Eustace Giles. In 1836, and later, he delivered three lectures, two on the "History of the Subjection and Extermination of the Narragansetts," and the third one "The Idea of the Supernatural Among the Indians." In 1843 he delivered an oration before the Phi Beta Kappa Society of Brown University, on "The Influence of

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Scientific Discovery and Invention on Social and Political Progress," and in January, 1847, "A Discourse before the Rhode Island Historical Society," relating to Rhode Island history. Besides these he published, anonymously, in 1846, a treatise entitled "The Paniden, or An Omnipresent Reason Considered as the Creative and Sustaining Logos," in which he set forth a system of pure idealism. These writings are all included in his collector's works.

He died July 25, 1847. After his death, in January, 1848, a discourse on his character and writings, by the Hon. Rowland G. Hazard, was delivered before the Rhode Island Historical Society, and in May, 1848, a highly appreciative article on his life and writings, from the pen of John M. Mockie, appeared in the *American Review*.

RICHARD WARD GREENE.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.
1848-1854.

After the death of Chief Justice Job Durfee, Richard W. Greene was elected Chief Justice of the State in May, 1848. Judge Greene was born at Warwick, Rhode Island, in 1792, graduated from Brown University in 1812, and studied law at the Litchfield Law School and in the office of Ebenezer Rockwell in Boston. In 1826 he was appointed United States District Attorney for Rhode Island, by President John Quincy Adams, and he continued to hold this office under succeeding administrations until June 14, 1854, when he resigned. He served for several years as Representative and Senator in the General Assembly. Judge Greene rose rapidly in his profession, until he had the largest and most lucrative practice of any lawyer in the State. "He was," says Judge Durfee, in his oration

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delivered at the dedication of the Providence County Court House, "the safe counsellor of ancient precedent, learned in the common law and greatly versed in equity jurisprudence before any court of the State had, as yet, any considerable equity jurisdiction; not a moving orator, but a consummate master of analysis, pre-eminent for his power of perspicuous statement."

In accepting the office as Chief Justice, to which he was elected in 1848, Judge Greene is said to have relinquished a practice of eight thousand dollars a year for a salary of seven hundred and fifty dollars and a few fees. His reported opinions are contained for the most part in the first and second volumes of the State Reports.

WILLIAM READ STAPLES, LL. D.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.
1854—1856.

Judge Staples was born in Providence, October 10, 1798; graduated at Brown University in 1817; studied law, and was admitted to the bar in 1819.

He was elected Associate Justice of the Supreme Court in 1835, and served as such until 1854, when, after the election, on the resignation of Chief Justice Greene, he was chosen Chief Justice, and served as such from November 1854 to March 7, 1856, when he resigned on account of his health, and was succeeded by Chief Justice Samuel Ames.

From 1856, until his death, October 19, 1868, he served as Secretary and Treasurer of the Rhode Island Historical Society. He founded the Rhode Island Historical Society, and edited the second volume of its collections. In 1843

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he published the "Annals of Providence," covering the period from its founding to 1832.

He prepared, on the request of the General Assembly, a history of the State Convention of 1790, which adopted the Federal Constitution.

HON. SAMUEL AMES.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.
1856–1866.

Judge Samuel Ames was born at Providence, in 1806. He graduated from Brown University at the age of seventeen years and commenced the study of the law. He graduated at the Litchfield Law School and was admitted to the Bar at twenty years of age.

In 1832 he, with Joseph K. Angell, published "Angell and Ames on Corporations," which was a standard work.

He went early into public life and represented Providence in the General Assembly for several years, and in 1844 was chosen Speaker. He was an ardent as well as a close student of the law as a science, in the technical knowledge of which he had few equals.

He also assiduously studied history, literature, science and theology. He had fair gifts of oratory, and was forcible and aggressive. He however had a judicial temperament and was better fitted for the bench than for the forum in his natural tastes and acquired powers.

He told Judge Brayton, "I never designed to continue at the bar all my days." "I do not like to be at the bar." "I do not desire to be compelled to make an endeavor to make the worse appear the better cause." "I wish to pursue the better reason."

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He was elected Chief Justice in 1856, and performed the duties of that office for nine years.

His opinions in the Rhode Island Reports illustrate his knowledge of the law as a science, and the principles which underlie it as such. He wrote the opinion in the famous case of Taylor v. Place, which is perhaps the most important single opinion ever pronounced in the State.

HON. CHARLES SMITH BRADLEY.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.
1866–1868.

Judge Bradley was born in 1819. He graduated at Brown University in 1838, with high honors.

He entered the office of Charles F. Tillinghast, then a leader of the Rhode Island Bar, as a student, and also attended the Law School at Harvard. He was admitted in 1841 to the bar.

He rose by his ability and skill to perhaps the most enviable position at the Bar of Rhode Island.

He was a Democrat, and was doubtless the most prominent man of that party in the State.

As an advocate and as an all-around lawyer, it is doubtful if any lawyer in Rhode Island excelled him.

His career in public life may be said to have been devoted to enlarge the suffrage, and gain a more liberal and democratic constitution for the State.

He was the author of a pamphlet attacking the opinion of the Supreme Court of the State, upon the questions of constitutional and other amendments, to which Ex-Chief Justice Durfee replied in his trenchant pamphlet, "Some Thoughts on the Constitution of Rhode Island."

It has been said of Judge Bradley, that it was doubtful

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if he possessed the judicial temperament, and that judicial duties were irksome and distasteful to him; that he much preferred the active and exciting contests in the courts, for which he had a passion, and enormous ability. This is doubtless true.

He, although a Democrat of ultra and pronounced opinions, was elected, by the General Assembly, Chief Justice of the Supreme Court, in February, 1866, but he held the office only until 1868.

It can not be doubted that his choice was that of the advocate, and that he found the bench irksome and distasteful, and his resignation must be ascribed to this.

He retained his high position at the bar. During the last years of his life he retired from active practice, and was regarded by the Bar of his State, and the men of culture of the country, who met at Newport as the seat and centre of social and intellectual development, as one of the most graceful and accomplished members of the legal profession of his State.

HON. GEORGE A. BRAYTON.

EX-CHIEF JUSTICE SUPREME COURT OF RHODE ISLAND.. 1868–1874.

Judge George A. Brayton was born in Warwich, Rhode Island, in 1803.

He graduated at Brown University in 1824; studied law in the office of the Hon. Albert C. Greene, and later at the Litchfield Law School, in Connecticut; served in the General Assembly in 1832, and again in 1843, and was a member of the Constitutional Convention of 1842.

In 1843, he was elected an associate justice of the Supreme Court, and in 1868 he was elected chief Justice after

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nearly twenty-five years of continuous service on the bench of the Supreme Court.

He resigned his seat in 1874, after the longest term of judicial service in the state, over 31 years, and died April 21, 1880, at the age of seventy-seven years.

The late Chief Justice Thomas Durfee, in speaking upon his life and character, before the Bar Association of Rhode Island, said of him: "If I wished to express him in a word my word would be, 'Fidelity.' Other judges have doubtless been more learned, more eloquent, more gifted, and greater or stronger minded; but seldom, if ever, has any one excelled him in judicial faithfulness.

"His opinions are well reasoned, and show careful and thorough research.

"He excelled chiefly as a judge *in banc*, though he frequently presided at *nisi prius*. He lacked the qualities of an accomplished jury judge—quickness of perception, readiness of resource, fluency of utterance—but nevertheless he was so patient, so fair, and while so succinct, so clear in his statements of the law, and so careful not to encroach upon the province of either counsel or jury, that he was a favorite with many lawyers, even in the trial of jury cases."

A study of the Rhode Island Reports, of the years that Judge Brayton sat upon its Supreme Bench, will illustrate and emphasize the truth of many of the eoniums given him by Judge Durfee, and will show the rare merit of this admirable jurist, upon the administration of the civil tribunals for nearly a third of a century that he formed a part of the court.

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HON. THOMAS DURFEE.

LATE CHIEF JUSTICE OF RHODE ISLAND.
1875–1891.

For three generations the family of the late Chief Justice has had a representation upon the Rhode Island bench. The son of a chief justice of the Supreme Court, and a grandson of the chief justice of the Court of Common Pleas of Newport county, Judge Durfee inherited a judicial mind, and was brought up in an atmosphere adapted to prepare him for judicial service. Born at Tiverton in 1826, his boyhood days were spent along the shores of Narragansett Bay, amid scenes of natural beauty and historic interest. He graduated with honor from Brown University in 1846, and after studying law for two years in Providence, was admitted to the bar. In the year following he was appointed reporter of the decisions of the Supreme Court. His judicial service began in 1854, when he was elected to the court of magistrates of the City of Providence,—a local court of inferior jurisdiction. From 1854 to 1860, except for one year, he was presiding justice of this court. During the early years of his professional life he wrote jointly with Joseph K. Angell a "Treatise on the Law of Highways." He was a representative in the General Assembly in 1863, Speaker of the House in 1864, and State Senator in 1865.

The literary instinct so strong in the elder Chief Justice Durfee descended to the son. During the rebellion he was a frequent contributor to the papers, and his pen was powerful in support of the Union cause. In 1772 he published a small volume of poems. His literary talent has given

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to his judicial opinions a perfection of style that is not too common in judicial writings. He is a devoted lover of Rhode Island,—her people, her institutions, and her history. His "Thoughts on the Constitution of Rhode Island" is a good example of his powers as a controversialist, and is a vigorous defence of the institutions of the State. In his oration delivered at the two hundred and fiftieth anniversary of the founding of Providence, Judge Durfee made a masterly defence of the conduct of Roger Williams while a resident within the Massachusetts Colony. Perhaps no better example could be given of his style as a writer and of his skill and power in argument than that part of his oration which deals with the controversy between the founder of Providence on the one side and the clergy and General Court of Massachusetts on the other. His "Gleanings from the Judicial History of Rhode Island" illustrates his style as a writer of narrative, and his skill in investing the commonplace with the charm of fiction and the dignity of history. The characteristics of the early bench and bar are faithfully delineated, and the trial scenes of the olden times are vividly and picturesquely portrayed. His discussion of the changes in the character of the business coming before the courts, and in the methods of the bar in the trial of causes, shows him to be a close observer and a discriminating critic in whatever pertains to the administration of justice. The State reports abound in examples of his powers as a writer of judicial opinions, his contributions to the Reports exceeding those of any other judge in the history of the court.

Judge Durfee's term of service on the Supreme Court bench extended over a period of more than twenty-five years, for a little more than fifteen of which he was chief-justice. In appreciative recognition of his long and valuable services to the state, and as a mark of the esteem in

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which he was held by the profession, the members of the Rhode Island Bar passed complimentary resolutions on the occasion, and arranged to have his portrait painted for the Court House. Since his retirement Judge Durfee has been President of the Providence Library, a member of the Board of Fellows of Brown University, and was Chairman of the Commission to revise the Constitution of the State, which proposed revision was lately rejected by the popular vote. He is universally loved and respected in Rhode Island.

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EX-ASSOCIATE JUSTICES SUPREME COURT OF RHODE ISLAND.

HON. LEVI HAILE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF RHODE ISLAND.

Judge Haile was a native of Warren, Rhode Island, where he studied and practiced law until his election as associate justice, in 1835; graduated at Brown University, in the class of 1821, and represented his town in the General Assembly from 1824 to 1835. He remained upon the bench until his death, in 1854. It was said of him, by the late Professor Goddard, that "as a member of the court he was patient, attentive to business, and kind and courteous in his intercourse with the bar. No member of the bar was more familiar with the judicial history of the state, and with questions of local law and practice than Judge Haile."

ALFRED BOSWORTH.

EX-ASSOCIATE JUSTICE SUPREME COURT OF RHODE ISLAND.

Judge Bosworth was born at Warren, in 1812; graduated from Brown University in 1835, and studied law with Judge Haile. For fifteen years he represented his town in the General Assembly. Upon the decease of Judge Haile, in 1854, Mr. Bosworth was elected to succeed him as an associate Justice of the Supreme Court, which office he continued to hold until his death, in 1862. Judge Bos-

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ASSOCIATE JUDGES SUPREME COURT OF RHODE ISLAND.

HON. WALTER S. BURGESS,
1868—1881.

HON. BENJ. M. BOSWORTH,
1897—1899.

HON. GEO. M. CARPENTER,
1882—1885.

HON. S. G. SHEARMAN,
1855—1868

From advance sheets Surpreme Court of the States and Provinces of North America.

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worth was counsel for Rhode Island in suits growing out of the boundary question between Rhode Island and Massachusetts. His name is not conspicuous in the reports.

SYLVESTER G. SHEARMAN.

EX-ASSOCIATE JUSTICE SUPREME COURT OF RHODE ISLAND.

Judge Shearman was born in North Kingston, Rhode Island, in 1802. He practised law at Wickford; was elected representative to the General Assembly at the first election under the constitution, and in 1848 was Speaker of the House. He was an associate justice of the Supreme Court from 1855 to 1868.

While a member of the court, he was assigned to hold the court of common pleas. "He was a man," says Mr. Payne, in his "Reminiscences of the Rhode Island Bar," "without any pretence to superior sanctity, vast acquirements, or greatness of any kind, he was a good man, knew what was worth knowing, and discharged faithfully the duties of all the positions in which it had pleased God or the people to place him." He had a keen but homely wit, and a fund of illustration and anecdote at command. Though a dangerous man to cross swords with in repartee, he "had no malice in his nature and no sting in his wit."

Mr. Payne, in his work, gives some illustrations of his peculiarities? "On whatever subject he spoke he 'hit the nail an the head,' driving it home with some apt illustration or anecdote. In this he somewhat resembled Abraham Lincoln. As, in the case of Mr. Lincoln, some of the stories of Judge Shearman could not be repeated in print without offense to the present taste, though the words he used were not without precedent in our English version of the Bible, at least before the recent version. But the

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stories of Judge Shearman, like those of Mr. Lincoln, came from a clean imagination, and those who found anything indecent in them belonged to a class accurately described by Dean Swift as 'nice men of nasty ideas.'"

Still quoting Mr. Payne, in his admirable work: "For what is called the democratic theory of government I think Sylvester G. Shearman had a profound contempt. He was in politics a natural conservative, but in judging men, he looked through external conditions to the man himself.

"As a lawyer, while he had competent learning, his main strength lay in his moral nature.

"He felt what was right, and a man who examines legal questions from this standpoint will, in nine cases out of ten, form a correct judgment.

"As a judge he was clear headed and impartial, and in the trial of cases made things very pleasant, and was a great favorite of the bar."

HON. J. RUSSELL BULLOCK.

EX-ASSOCIATE JUSTICE SUPREME COURT OF RHODE ISLAND.

Judge Bullock, before he took his seat upon the Bench of the Supreme Court of Rhode Island, had served in the General Assembly of the State, both as a Representative and as a Senator.

He had also served as Collector of Customs and as Lieutenant Governor.

He was elected, in 1862, an Associate Justice, and served until 1864, when he resigned the office on being appointed, by President Abraham Lincoln, Judge of the District Court of the United States for the District of Rhode Island, which position he held until 1869, when he resigned that position.

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HON. WALTER SNOW BURGESS.

EX-ASSOCIATE JUSTICE SUPREME COURT OF RHODE ISLAND.

Judge Burgess was born in Rochester, Plymouth county, Mass., September 10th, 1808, and was the son of Abraham and Rhoda (Caswell) Burgess, and a nephew of the distinguished orator and Representative, Hon. Tristam Burgess.

He graduated from Brown University in the class of 1831, was Principal of Thaxter Academy, Edgartown, Mass., for four years, meanwhile pursuing the study of the law; was admitted to the Bar of Rhode Island in 1835, and in 1836 married Eleanor, the daughter of Hon. James Burrill, who was United States Senator from Rhode Island at the time of his death in 1820.

Young Burges served in the General Assembly as a Representative from Providence in 1841 and 1842, and as Senator from the town of Cranston in 1859.

He was the personal friend, as well as the legal adviser, of Governor Dorr, and was the only one who was allowed to accompany Governor Dorr from the jail at Newport to the prison at Providence, and had the pleasure of taking to Governor Dorr the order for his release.

In 1845 Mr. Burgess was appointed United States District Attorney for Rhode Island, and held the position under President Polk for four years. From 1851 to 1854, and again from 1860 to 1863, he held the office of Attorney General of the State of Rhode Island.

In 1867 Governor Burnside appointed Judge Burgess an Associate Justice, to act during the disability of Judge Shearman, who was incapacitated by illness, which position he held until the death of Judge Shearman, early in

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January, 1868. He was then elected an Associate Justice by the General Assembly to fill that vacancy outright. He was a Democrat in political faith, and the General Assembly overwhelmingly Republican. He continued to serve as Associate Justice until he had passed his 72nd year, and in June, 1881, he resigned the office.

He gave attention to his private affairs, and lived to the advanced age of nearly 84 years, dying July 26, 1892. His colleague, Judge John H. Stiness, pronounced the memorial address upon his life and career, November 14, 1892, before the Rhode Island Veteran Citizens' Association, from which the data of this sketch is obtained.

HON. ELISHA REYNOLDS POTTER.

EX-ASSOCIATE JUSTICE SUPREME COURT OF RHODE ISLAND.

Elisha Reynolds Potter was born in South Kingston, R. I., June 20th, 1811. He was the son of Elisha R. Potter and Mary Mawney, his wife, being of Huguenot descent on the mother's side. He graduated from Harvard University in 1830; was admitted to the Bar October 9th, 1832; was Adjutant General of the State in 1835 and 1836; was a member of the Constitutional Conventions of 1841 and 1842, the latter of which framed the Constitution, which went into effect in 1843; was Representative in Congress, from Rhode Island, from December 4th, 1843, to March 3rd, 1845; was Commissioner of Public Schools of the State from May, 1849, to October, 1854; was at different times Senator and Representative from his native town, in the State Legislature; and was elected Associate Justice of the Supreme Court March 16th, 1868, and held the office until he died, April 10th, 1882.

He was the author of various publications, among them:

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"The Early History of Naragansett," published in 1835; "A Monograph on Paper Money in Rhode Island," published in 1837, and reprinted with large additions in 1880; "Considerations on the Rhode Island Questions," 1842, reprinted in 1879; "Address before the Rhode Island Historical Society," 1851; "The French Settlements in Rhode Island," 1880, being No. 5 of Mr. Rider's Historical Tracts.

HON. GEORGE MOULTON CARPENTER.

EX-ASSOCIATE JUSTICE SUPREME COURT OF RHODE ISLAND.

George Moulton Carpenter was the oldest son of George Moulton Carpenter, a Methodist clergyman, and Sarah Lewis Walcott, his wife, and was born in the town of Portsmouth, R. I., April 22nd, 1844; was educated in the public schools of New Bedford and Providence and in Brown University, from which he graduated in 1864, with the degree of A. B.; studied law with James Tillinghast, of Providence, and was admitted to the Bar in 1867; was a member of a commission to revise the public statutes of the State in 1881, the revision being that of 1882; was elected Associate Justice of the Supreme Court, to succeed Mr. Justice Potter, April 20th, 1882, and entered upon the office May 1st, 1882; resigned January 1st, 1885, to occupy the office of Judge of the United States District Court for the Rhode Island District, to which he had been appointed by President Arthur. In the summer of 1896 he visited Europe, in company with friends, sailing July 11, and soon after his arrival, while stopping at a small village near Leyden, was stricken with apoplexy and expired. The stroke and ensuing death came without any forewarning, July 31st, 1896. He is buried in Swan Point Cemetery, Providence, Rhode Island.

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HON. BENJAMIN MILLER BOSWORTH.

EX-ASSOCIATE JUSTICE SUPREME COURT OF RHODE ISLAND.

Judge Bosworth was born in Warren, Rhode Island, January 17th, 1848, and was descended from Colonial and Revolutionary ancestry on both sides. His father, Benjamin Miller Bosworth, was a son of Peleg Bosworth, and his mother was Elizabeth Luther, a daughter of Martin Luther.

Although prepared for college he did not enter, but taught school and pursued his studies under Isaac F. Cady. He studied law with Ex-Chief Justice Richard Ward Greene, and subsequently with Thos. C. Greene, Esq., teaching evening school meanwhile.

He was admitted to the Bar of Rhode Island in August, 1878, and later to the United States courts, practicing his profession at Providence, Rhode Island.

He was trial Justice of Warren from 1874 to 1876; Assistant Attorney General from May, 1882, to March, 1885; Justice of the Fifth District Court from 1886 to 1897, and in May, 1897, he was elected Associate Justice of the Supreme Court of the State, which position he held until his sudden death from heart failure, on January 14, 1899, in Warren, Rhode Island.

Judge Bosworth served as a Representative in the General Assembly of Rhode Island, from Warren, from May, 1880, to October, 1882, and again in the years 1885 and 1886.

He was a member of the School Committee of Warren

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for more than twenty years, acting as chairman and superintendent for five years.

He was a Republican in politics, and a delegate to the National Republican Convention of 1888; was Town Solicitor for Lincoln from 1891 to 1895; and was City Solicitor for Central Falls from its establishment until he was elected to the Supreme Bench.

In military life he served on the staffs of Brigadier Generals Thos. W. Chase and Elisha H. Rhodes, as Judge Advocate, and as Adjutant, Captain and Colonel of the Warren Artillery.

He served as Master of the Masonic Lodge of the Masonic Fraternity at Warren, and in the highest places of the Chapter, Council and of the Calvary Commandery of Knights Templars at Providence.

He was prominent in social, business and club circles, and a universal favorite among a large circle of personal friends.

His funeral was attended by prominent State officials, the members of the Bench of the Supreme Court, and of the lower courts, the Governor of the State with his staff, the Lieutenant Governor and the State officers, and members of the Bar Association, in strong force.

Judge Horatio Rogers, of the Bench of the Supreme Court, pronounced an oration at his funeral after the religious ceremonies.

The Providence Journal sums up his character and life, at the end of an eulogy, with the words: "The most elaborate eulogy would do him no more justice than the simple statement that he was an honest man and an able and upright judge."

His widow survives him, but no children. He was married to Miss Mary Cole, of Warren, March 17th, 1875.

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THE SUPREME COURT OF MINNESOTA.

THE PRESENT BENCH.

HON. DANIEL BUCK.

ASSOCIATE JUSTICE SUPREME COURT OF MINNESOTA.

Jonathan Buck, father of Judge Daniel Buck, of the Minnesota Supreme Court, was born at Boonville, Oneida county, New York, in 1804, and died in 1883. Judge Buck's mother was Roxana Wheelock, who was born at Claremont, New Hampshire, in 1799, and died in 1842. She was a sister of Chas. Wheelock, Colonel of the 97th New York Volunteers, in the war of the rebellion, afterwards breveted Brigadier General. The father of Jonathan Buck was Daniel Buck, who settled in Boonville about the year 1800. He was a soldier of the Revolutionary war.

Thomas Buck was the eldest son of Isaac Buck, and he settled in Bridgewater, Mass., before 1712. Matthew Buck was a son of Thomas Buck, and he also lives in Bridgewater. He was the father of the Daniel Buck of Revolutionary fame, already referred to, who was born in 1762.

Judge Daniel Buck, of whom this sketch treats, was born in Boonville, New York, September 8, 1829. He received the rudiments of an education in the common schools and finished at Rome Academy, Oneida county, and Lowville Academy, Lewis county, New York. He came to Minnesota May 15, 1857, and pre-empted land at Madelia. In that year he settled in Blue Earth county. After leaving school, he studied law, and was admitted to practice law

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EX-ASSOCIATE JUSTICES
SUPREME COURT OF MINNESOTA,

HON. MOSES G. SHERBURNE,
1853—1856.

HON. ANDREW G. CHATFIELD.
1853—1857.

HON. CHARLES E. FLANDRAU.
1857—1864.

HON. C. E. VANDERBURGH.
1852—1894.

HON. GREENLEAF CLARK.
1881—1882.

From advance sheets Supreme Court of the States and Territories of North America.

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at Utica, N. Y., January 2nd, 1856, and when he came to Minnesota he was actively engaged in its practice. He was elected to the legislature in 1858, but the legislature did not meet in that year, and so he could not serve. In 1865, while a member of the House of Representatives, he secured the passage of the law providing for the location of a normal school at Mankato. For four years he was County Attorney of Blue Earth county, and in 1878 he was elected to the State Senate for the full term of four years. For five years he was a member of the Mankato School Board, and for five years more he was a member of the State Normal School Board, and while serving in this last named capacity he assisted in the selection of sites for the normal schools at Winona, Mankato and St. Cloud; had principal charge of the construction of the Mankato normal school buildings; was associate counsel for the State at the time of the trial of the five million loan bill, and was attorney for the claimants in the suit for the reward offered for the capture of the Younger brothers. In 1888 he was a candidate for Lieutenant Governor, but was defeated with the remainder of the Democratic ticket; was elected Judge of the Supreme Court in 1892, for the term of six years, commencing the first Monday in January, 1894, and was appointed Judge of the Supreme Court October 2, 1893, to fill the vacancy caused by the resignation of Judge Dickinson; always has been a Democrat, and as long ago as 1859, was that party's candidate for Secretary of State in Minnesota; was a delegate to the National Democratic Convention in St. Louis, in 1876, and voted for W. J. Bryan for President in 1896. In the Legislature of 1879 he introduced the bill for the insolvent law of the State. It was passed, but the Governor interposed the veto. In 1881 he introduced it again, and this time it became a law.

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Judge Buck was a member of the Conrt of Impeachment on the trial of E. St. Julien Cox. He is not a church member, but sympathizes with the Quakers, his mother having been a member of that society. October 25, 1858, at Elgin, Ill., he was married to Louisa A. Wood, and three children have been born to them: Charles Belos Buck, February 24, 1864, died November 27, 1882, while a student at the State University. Alfred A. Buck, April 16, 1872; and Laura M. Buck, June 15, 1874. The latter is now Mrs. Wm. L. Abbott.

HON. WILLIAM MITCHELL.

ASSOCIATE JUSTICE SUPREME COURT OF MINNESOTA.

Born of Scotch parents November 19th, 1832, near Niagara Falls, in Welland county, Ontario; received his common school and academic education in his native county; entered Jefferson College, Canonsburg, Pa., in 1848, and graduated with the class of 1853, the first honor of the class being divided between him and his room-mate, the late Judge Thomas Ewing, of Pittsburg, Pa.

The first four years after graduating he spent in Morgantown, Va., (now West Va.), part of the time in teaching in an academy, and the remainder in studying law; was admitted to the bar in Virginia in March, 1857, and immediately thereafter moved to Winona, Minn., where he continued to reside until, compelled by his official duties, he removed to St. Paul; was engaged in the practice of law, in Winona, from the spring of 1857 until the autumn of 1873, when he was elected Judge of the Third Judicial District of the State, and re-elected for a second term in the autumn of 1880; was appointed Associate Justice of

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the Supreme Court of the State in March, 1881, and elected to the same office in the autumn of the same year; re-elected in 1887, and again in 1892, by the united ballots of both political parties; is still serving his third term, which will terminate January 1st, 1900.

In September, 1857, he married the daughter of the late John Hanning, of Morgantown, Va., to whom were born three daughters, still living, viz.: Mrs. J. K. Ewing, of Uniontown, Pa.; Mrs. Loring Staples, of Minneapolis, Minn., and Mrs. F. A. Hancock, of Dubuque, Iowa.

Mrs. Mitchell, having died in September, 1867, he married, in July, 1872, Mrs. Frances M. Smith, of Chicago, to whom were born a son and daughter. The daughter died in early life. The son, Wm. D. Mitchell, is engaged in the practice of law in St. Paul. His second wife died in March, 1891.

HON. CHARLES M. START.

CHIEF JUSTICE SUPREME COURT OF MINNESOTA.

Judge Charles M. Start, the Chief Justice, is a Republican; was born in Bakersfield, Franklin county, Vt., in 1839; emigrated to Minnesota in 1865, is married, and resides in Rochester, Minn.; served as Attorney General of the State from January, 1880, to March, 1881, when he resigned to accept the office of Judge of the Third Judicial District, which office he held until January, 1895. He was elected Chief Justice of the State in 1894.

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HON. LOREN W. COLLINS.

ASSOCIATE JUSTICE SUPREME COURT OF MINNESOTA.

Judge Loren Warren Collins is a Republican, resides in St. Cloud, and is married; was born in Lowell, Mass., in 1838; received a high-school education, and emigrated to Minnesota in 1854; enlisted August 9, 1862, in the 7th Minnesota, served through the war of the rebellion, and was brevetted Captain, March 30, 1865; was County Attorney for ten years, of Stearns county; was a member of the House of Representatives of Minnesota from 1881 to 1883; was one of the managers conducting the impeachment proceedings against District Judge Cox; was appointed Judge of the Seventh District April 17, 1883.

On November 12, 1887, on the death of Judge Bung, he was appointed Associate Justice to fill the vacancy, and in 1894 he was re-elected and still holds that office.

HON. THOMAS CANTY.

ASSOCIATE JUSTICE SUPREME COURT OF MINNESOTA.

Thomas Canty is a Democrat in National and State politics, was born April 25th, 1854, in Michigan, and his youth was spent on a farm in Wisconsin and Iowa; was educated in the common schools, taught in the public schools, took up the study of the law, supporting himself by teaching and manual labor; was admitted to the bar in Hennepen county February, 1881.

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He located at Minneapolis October 1, 1880, before his admission; was elected Justice of the Fourth Judicial District in 1890, and in 1892 he was elected Associate Justice of the Supreme Court by the combined votes of the Democratic and People's parties, took his seat in January, 1894, and holds the office now.

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SUPREME COURT OF NEW HAMPSHIRE.

THE PRESENT BENCH.

HON. ISAAC NEWTON BLODGETT.

CHIEF JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

Hon. Isaac Newton Blodgett, Chief Justice of the Supreme Court of New Hampshire, was born in Canaan, March 6, 1838. The ancestors of his family resided in Cambridge, Mass., as early as 1635, and at a later time lived in Tyngsboro and Chelmsford, and still later in Hudson, N. H. The family has always been a prominent one in New England.

The father of Judge Blodgett, Hon. Caleb Blodgett, moved to Dorchester, N. H., and from thence to Canaan, where he resided for the remainder of his life; was a well known and distinguished man, having held the office of deputy sheriff and afterwards sheriff of Grafton county, for a period covering more than thirty years; was a member of the House of Representatives, of the State Senate, and of the Governor's council; was largely interested in public affairs and regarded as one of the leading and most influential members of his party.

Judge Blodgett was educated in the public schools and fitted to enter college in the sophomore class, at the Canaan Union Academy. Dartmouth College conferred upon him, in 1870, the honorary degree of M. A., and in 1881 the Phi Beta Kappa society elected him an honorary member.

He studied law in the office of Hon. Wm. P. Weeks, of

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Canaan, and Anson S. Marshall, Esq., of Concord, and was admitted to the bar December, 1860; remained in Canaan practicing his profession until 1867, when he removed to Franklin and entered into partnership with the late United States Senator, Hon. Austin F. Pike.

Judge Blodgett was a member of the House of Representatives in the years 1871, '73, '74 and '78, and a member of the State Senate in the years 1879 and 1880; was also a member of the Constitutional Conventions of 1876 and 1889; was a prominent Democrat and conducted the campaign as chairman of the State committee of his party of 1876 and 1877, and was a very earnest and influential supporter of Mr. Tilden's candidacy for President.

Judge Blodgett was appointed to the Supreme Bench November 30, 1880, in which position he served until he became Chief Justice in 1893.

In his professional career he was noted for his conscientious and faithful management of the business intrusted to his care; was particularly distinguished for his deliberative and logical consideration of important legal questions and the accuracy with which he investigated complicated matters; his judgment was deemed valuable and worthy of the highest confidence; his service upon the Bench of the Supreme Court has been one of great honor, and the discharge of his official duties has commanded the highest respect and regard of the profession and people of the State; his opinions have been characterized by close reasoning and sound conclusions; his style is rather brief and free from verbiage, but expresses principles with wonderful clearness and freedom from all ambiguity or doubtful phraseology.

As Chief Justice his discharge of the duties of that important position has been marked with dignity and deci-

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sion, but always with courtesy and marked consideration of counsel and parties litigant.

Although a strong Democrat, he was appointed to the office of Chief Justice by a Republican Governor, and unanimously confirmed by a Republican council, and his elevation to that highly honorable place was universally commended by prominent men from all sections of the State.

Judge Blodgett is a brother of Hon. Caleb Blodgett, the senior Justice of the Superior Court of Massachusetts, who sustains a reputation in that commonwealth among the most distinguished jurists. It is very seldom, in the history of jurisprudence in this country, that two members of the same family are made justices of the courts of different states, as has been the case in the family of Judge Blodgett.

In May, 1861, Judge Blodgett married Miss Sarah Gerould, of Canaan, N. H. They have one daughter, Miss Anna Blodgett, a recent graduate at Wellesley College. Mrs. Blodgett has taken great interest in the charitable institutions of our State, and is widely respected and beloved for her philanthropic and earnest work in matters of public character; her special attention being directed to the system for the care of children, who, by reason of poverty or other influences, have become inmates of the county poor houses,—a most honorable work, and bravely and nobly carried on.

Judge Blodgett enjoys the esteem and confidence of his fellow citizens, to the fullest extent; his decisions have been marked with ability of a high character and extensive research; his legal attainments, his unquestioned integrity and entire devotion to the proper discharge of his duty, give promise of a wise and satisfactory administration of the high office of Chief Justice of our State.

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HON. WILLIAM MARTIN CHASE.

ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

Hon. William Martin Chase, Associate Justice of the Supreme Court of New Hampshire, was born in Canaan, December 28, 1837, being the son of Horace and Abigail Martin Chase. His ancestors came from England to Hampton, N. H., about 1639. Those upon the maternal side settled in Londonderry, from which they removed to Pembroke about 1763. Judge Chase was educated in the common schools of Canaan and in Union Academy, of that place, and in 1852 entered the Kimball Academy at Meriden, and Dartmouth College in 1854, from which he was graduated in 1858. During his college course he was engaged in teaching school, and after graduating was professor of mathematics and sciences in Henniker Academy. He studied law with Anson S. Marshall, in Concord, and was admitted to the bar in Merrimack county in 1862; entered into partnership with Mr. Marshall, which continued until that gentleman's death in 1874. Soon after he became a partner of the late Chief Justice J. Everett Sargent which continued until Judge Sargent's decease in 1879. Soon after the firm of Chase & Streeter was formed, which existed until 1891, when Judge Chase was appointed a member of the Supreme Court. In 1871 he was elected Clerk of the Senate of New Hampshire, and in 1874 a trustee in the State Library, which office he held until 1888; also became a trustee in the State Normal School from 1876 to 1897; was one of the commissioners to revise the public laws under the act of 1899; was also a member

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of the Board of Education of Concord from 1869 to 1875, and from 1883 to 1896, and was President of the Board for several years; was also a member of the Board of Water Commissioners in that city from 1877 to 1891. In 1890 he was appointed a trustee of Dartmouth College, which office he still holds. In 1875 he was elected a Director of the First National Bank in Concord, and President in 1883 and 1884; was a member of the committee for the examination of students for admission to the bar from 1878 to 1891; received the honorary degree of A. M. from Dartmouth College in 1879; was made an honorary member of the Phi Beta Kappa Society of Dartmouth College, a member of the Historical Society, the New England Historical and Genealogical Society, and of the Sons of the American Revolution.

Judge Chase, during his professional career, won eminent distinction for his honorable views and his judicial turn of mind; was an indefatigable worker, and accomplished a great deal in a few years; was a favorite referee and auditor and master in chancery, and probably held more trials than any other member of the bar in the same time in the State.

Since he became a member of the court he pursued the same line of industry, perseverance and untiring energy that marked his career while engaged in active practice, and is deemed by the profession as an eminent jurist with a brilliant promise for the future.

Judge Chase married Ellen S. Abbott, daughter of Aaron and Nancy (Badger) Abbott, March 18, 1863, and has one son, Arthur H. Chase, a member of the bar and State Librarian.

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HON. ROBERT MOORE WALLACE.

ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

Judge Robert Moore Wallace was born in Henniker, N. H., May 2, 1847, son of Jonas and Mary (Darling) Wallace. His father was a well known merchant of that town, his ancestors being among the pioneer settlers of Londonderry, N. H. He was educated in the common school and at the academy in his native place; entered Dartmouth College at the age of sixteen, and was graduated in the class of '67. Shortly after, he began the study of law in the office of Mason W. Tappan, afterward Attorney General of New Hampshire, and was admitted to the bar in 1870. The same year he removed to Milford, where he formed a partnership with Bainbridge Wadleigh, United States Senator, which continued until the latter removed to Boston. In 1887 he was a member of the Legislature, and in 1889 a member of the Constitutional Convention. In 1883 he was appointed Solicitor for Hillsborough county, and held the position for ten years, when he was appointed Associate Justice of the Supreme Bench of the State.

In August, 1874, he married Ella M., daughter of the late A. F. Hutchison, of Milford. They have three children; Edward D., Robert B., and Helen Wallace.

HON. ROBERT GORDON PIKE.

ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

Robert Gordon Pike, Associate Justice of the Supreme Court, was born in Rollinsford, N. H., July 28, 1851, and

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was a descendant from John Pike, who emigrated from England and settled in Newbury, Mass., in 1635. The subject of this sketch is a lineal descendant and of the eighth generation. Among his ancestors was the Rev. James Pike, who preached his first sermon in 1726 in that part of Dover which forms now the town of Somersworth, where he continued to preach for over sixty years. One of his sons graduated from Harvard in 1776, was a celebrated scholar and mathematician, and the author of mathematical works. Judge Pike's maternal ancestor, who came to this country about 1631, was Humphrey Chadbourne, and his mother, Elizabeth M., was a lineal descendant of his family.

Judge Pike attended the common schools of Rollinsford and the Berwick Academy, where he fitted for college, entered Dartmouth in 1868 and graduated in 1872; engaged in civil engineering for a time and was one of the surveyors who ran the lines of the Dover and Portsmouth Railroad in 1873; was an assistant engineer on the Waltham Water Works, and was quite actively engaged in civil engineering and in teaching the South Berwick Grammar School until 1878, when he began the study of law in the office of the late Chief Justice Charles Doe; was admitted to the bar in March, 1881, and immediately began business in Dover, N. H., where he pursued a very active and lucrative practice. In 1887 he was elected solicitor for the county of Strafford, holding the office for a little over two terms. In 1893 he was appointed Judge of the Probate Court of Strafford County, which office he continued to hold until he became Associate Justice of the Supreme Court, April 14, 1896; was identified with educational interests in Strafford county quite extensively, and was Superintendent of Schools in Rollinsford for a full term, and declined a re-appointment; was a member of the school

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board in the city of Dover and declined re-appointment was trustee of the Strafford Savings Bank from 1890 to 1896, and for a time a member of the water board of the city of Dover; a trustee of the Franklin Academy since September, 1883, and treasurer of that institution from August, 1884, to 1896.

It will thus be seen that Judge Pike was identified with educational and business interests, actively and continuously, from the time when he left college until he was appointed a member of the Supreme Court of the State. After the decease of Chief Justice Doe, Judge Carpenter was elevated to the office of Chief Justice, and Judge Pike was appointed to fill the vacancy occasioned by that change in the personnel of the court, and immediately entered upon the discharge of its duties.

The ardent expectations of his friends and the prediction that he would fill the eminent position to which he was appointed, with credit to himself and satisfaction to the people of the state, have been more than realized. His successful career as a business and professional man and his acceptable performance of the duties of Judge of Probate were a guaranty that he would fill the position upon the bench of the Supreme Court in a manner that should command the respect and confidence of the profession and the community.

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HON. ROBERT JAMES PEASLEE.

ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

Robert James Peaslee, son of Robert and Persis B. (Dodge) Peaslee, was born in Weare, N. H., September 24, 1864; was educated in the common schools of his native town, Cushing Academy, Ashburnham, Mass.; Arms Academy, Shelburne Falls, Mass., and at Boston University Law School, from which he graduated with high honors in 1886; was admitted to the bar in 1886, and practiced law in Manchester, N. H., until appointed Associate Justice of the Supreme Court, June 14, 1898.

From the very outset of his career, the few in Manchester who had an intimate acquaintance with Mr. Peaslee, confidently predicted that he would take high rank in the profession of the law. A diligent and conscientious student, he was not content with the mere smattering of knowledge obtainable from text-books, but devoted himself to an exhaustive examination of legal propositions, and became familiar with the bedrock principles on which they depended. A clear-headed and logical reasoner, the possessor of a remarkably retentive memory, able to apply legal knowledge to facts with readiness and accuracy, regular and systematic in his habits and methods, pugnacious in spirit, and blessed with an appetite for hard work, he came to the bar admirably equipped for any battle of the law, whether skirmish, campaign, or siege. Add to this formidable equipment sound sense and absolute honesty, and it does not seem strange that in the comparatively few years of his practice he came to be recognized as one of the leaders of the Hillsborough bar.

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In the spring of 1898 it became necessary to select a successor to Hon. Lewis W. Clark, who was about to retire from the bench after an honorable service of more than twenty years. That the new appointee should be a Manchester man was a self-evident proposition. Mr. Peaslee's friends, recognizing that he had abilities of the highest order and believing that he possessed a natural aptitude for judicial work, earnestly desired his promotion to the bench. He received a flattering endorsement from other sections of the state, but the bar of Hillsborough county, where he had made his record and won his spurs, joined in a practically unanimous request for his appointment. In naming him for the place, Governor Ramsdell, himself a member of the Hillsborough bar, not only expressed his own judgment, but gave effect to a public sentiment so strong and universal that it could not be disregarded.

Judge Peaslee is not yet thirty-five years old. Should he sit upon the bench until he attains the age of seventy, the constitutional limitation of judicial service in New Hampshire, he will have served for a longer period than any judge in the history of the State, not excepting the late Chief Justice Doe. It would be manifestly absurd to attempt any estimate of the value of his service at this early day. It will suffice to say that during the judicial year which has just closed he has presided almost continuously at the trial terms for Hillsborough county, the busiest in the state; and, reviewing the work of his first year, his brethren of the bar find in it abundant promise that he whom they knew to be an accomplished lawyer will do credit to the honorable profession of the law as an able, honest and impartial jndge.

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HON. FRANK NESMITH PARSONS.

ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

Hon. Frank N. Parsons was born in Dover, N. H., September 3, 1854, his father, Rev. Benjamin F. Parsons, was a prominent Congregational minister who held a pastorate in Dover, and afterwards in Nashua, N. H. for many years; his ancestors for several generations were residents of the State of Maine.

He attended the public schools in Dover and in Nashua and completed his preparatory course of study in Pinkerton Academy in Derry, N. H., from which institution he was graduated in 1870, and entered Dartmouth College and was graduated in 1874. Following his graduation he became principal of the high school in Franklin, N. H. for one year, and subsequently was the sub-master of the high school in the City of Nashua for one year; then entered upon the study of law with the Hon. Daniel Barnard of Franklin, who was Attorney General of the state; completed his studies in the office of the Hon. Austin F. Pike, afterwards United States Senator, and Hon. Isaac N. Blodgett, the present Chief Justice of the Supreme Court, and was admitted to the Bar from their office in March 1879 and in the following May was admitted to the United States Circuit Court.

Judge Parsons formed a partnership immediately after his admission to the Bar, with Senator Pike under the name of Pike and Parsons, which continued until the decease of Mr. Pike October 8, 1886. Subsequently he continued in practice until his appointment as Associate Justice of the Court; was a member of the Constitutional

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Convention in 1889, in the proceedings of which he took a very active part, serving upon the most important committees and rendering the state valuable service in guiding and shaping the action of the convention.

In 1893 and 1894 he was a member of the Executive Council and owing to his accurate knowledge of the statutes of the state and his ability as a lawyer, became at once the leading and advisory member of the board; was elected first Mayor of the City of Franklin in 1894 and as a union candidate for the office received practically the entire vote of the city; was largely influential in making the charter and organizing the government, and by common consent of both political parties the honor of being the first mayor of the city was clearly due to him in recognition of his important services and the great interest which he took in the work of procuring the charter and inaugurating the City Government and shaping its municipal affairs. Although a republican of a pronounced and well defined character, he was never regarded as a politician and was generally popular with his politicial opponents and his administration as first mayor of Franklin received the approval of all classes of citizens.

In his later practice Judge Parsons gave his attention largely to legal arguments and causes before the Superior Court and the profession recognized his ability by advising that he should be retained in many important cases.

His efficient discharge of the duties of State Reporter are regarded as very valuable by reason of the critical accuracy and precision with which the work was done.

When the term of office of Hon. Isaac W. Smith was about to expire by limitation of law, public opinion, especially among the legal profession seemed to point by common consent to his selection as Judge Smith's successor, which was made in May 1895.

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His judicial career in the trial of causes has been characterized by quick and ready comprehension of the questions involved and his easy and successful manner of conducting the business of the trial terms, while his opinions delivered from the full bench compare favorably with those of his associates and with his predecessors who have performed the valuable and eminent work of the Supreme Court of our State.

Judge Parsons married Miss Helen Farly Pike, daughter of Hon. Austin F. Pike.

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HON. JOHN EDWIN YOUNG.

ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

John Edwin Young, son of Mark F. and Olive Piper Young, was born in Stratham, New Hampshire, January 26, 1855; attended the common schools of the town and passed his boyhood days much as New Hampshire boys in general have been accustomed to do, assisting his father in the farm work and other duties common to farmers' life; pursued his studies at the Academy at Northwood, N. H., where he completed the preparatory course and entered Dartmouth College in 1874, from which institution he was graduated in 1878.

Soon after he commenced the study of law in the office of Gen. Gilman Marston at Exeter, where he remained two and a half years; then went to Lincoln, Nebraska, and continued his law studies for about six months, when he removed to Florida and engaged in business. Subsequently he returned to Stratham, N. H., and in the fall of 1889 again entered the office of Gen. Marston and was admitted to the Bar in the Supreme Court of New Hampshire in March 1890; was associated with Gen. Marston and remained in his office until his death, which took place in July 1890; then became a member of the firm of Eastman, Young & O'Neil and subquently of the firm of Eastman & Young, which continued until he was appointed Associate Justice of the Supreme Court in August 1898.

After commencing business he very soon acquired a reputation for remarkable ability to investigate legal questions and to arrive at safe conclusions in intricate matters

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which required a comprehensive and highly intelligent view of the science of law; was remarkable for his very retentive memory and soon became engaged in active practice, and acquired a reputation of rare ability; entered upon his official career with a promise of successful and honorable discharge of the important duties of the bench.

He married Bertha J. Hobbs of Newfields.

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SUPREME COURT OF OHIO.

(THE PRESENT BENCH.)

HON. WM. T. SPEAR. HON. THADDEUS A. MINDSHALL.

HON. JACOB F. BURKET.

HON. MARSHALL J. WILLIAMS. HON. JOHN A. SHANCK.

NOTE:—We regret the omission of the Portrait of Hon. Joseph P. Bradbury, Chief Justice of the Court for 1899, due to an accidental delay in its reproduction.

From advance sheets Supreme Court of the States and Provinces of North America.

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SUPPLEMENT.

EX-CHIEF JUSTICES SUPREME COURT OF NEW HAMPSHIRE.

RICHARD MARTYN.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1693–1694.

Richard Martyn was a merchant residing at Portsmouth where, as early as 1660, he received an allotment of sixty-two acres of land. In 1671 he was one of the founders of the Congregational church at Portsmouth. In 1668 he was elected a selectman and held that office six of the succeeding ten years. In 1671 he was a commissioner for the trial of small causes, and in 1672 and 1679 a deputy to the General Court of Massachusetts. He was made a councillor of the Province of New Hampshire in President Cutt's commission, and held that office till 1683, when Governor Cranfield removed him. In October, 1692, he represented Portsmouth in the Provincial Assembly of New Hampshire and was chosen Speaker. In December, 1692, Governor Allen appointed him a Judge of the Court of Common Pleas and in 1693 Chief Justice of the Supreme Court of Judicature, and he held the office till his death, April 2, 1694. He was an intelligent man of good business qualifications and well performed his duties, and has been justly characterized as a "leading man in church and state."

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NATHANIEL WEARE.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1694–1696.

Chief Justice Weare was born in England in 1631, son of Nathaniel Weare, who emigrated to Newbury, Mass., and settled and resided at Hampton; early attracted public attention by the resolute stand he took against the claims of Robert Mason to the soil of New Hampshire; was selected by the inhabitants to go to England and demand of the king the removal of Governor Cranfield. After the overthrow of the Andre Government in New England in 1689, he was chosen one of the commissioners from Hampton to conclude, with others, terms on the form of a government, *ad interim;* was also sent from Hampton to advise with others, at Portsmouth, as to the defense of the Province in King William's war. Lt.-Governor Usher and the council made him a councillor of the Province in 1692, and on the death of Chief Justice Richard Martyn in April, 1694, he was commissioned Chief Justice of the Supreme Court to succeed him, and served until 1696, when he resigned and was succeeded by Chief Justice Joseph Smith, who served one year. Chief Justice Weare retained his seat in the council after he ceased to act as chief justice until 1698–99, when he resigned on account of some difference with Governor Allen. In 1699 he resumed his seat in the council and served until 1715 when he resigned, and died May 13, 1718. Two of his sons, Peter and Nathaniel, were judges of the Superior Court, and his grandson, Meshech, was also a justice and chief justice of that court.

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PETER COFFIN.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1697–1698.

Peter Coffin was the eldest son of Tristam Coffin, of Nantuckett, Mass.; born in Devonshire, England, in 1630; removed to Dover before 1650 and as early as 1690 to Exeter, where he resided until his death, March 21, 1715; was a successful merchant and acquired a large landed property; was selectman for Dover and treasurer for several years, and deputy to the General Court in 1672, 1673 and 1679. In 1693 he was appointed as councillor and served as such nearly all his life. He served as chief justice about one year, from 1697 to 1698, and as an associate justice of that court afterward for about twelve years.

JOHN HINCKES.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1699–1704.

John Hinckes was born in England and emigrated after 1670 to Great Island; was a merchant of considerable ability, but not a lawyer; was a supporter of Governor Cranfield, who in 1683 chose him as a councillor to fill a place of one he had arbitrarily removed; was also appointed assistant to Robert Mason as Chancellor to the Province; was named a councillor in Governor Dudley's commission in 1686, and also in Governor Allen's commission in 1692, and he held this position a large part of the time till 1710, acting as president of the council in the absence of the Governor and Lt.-Governor. When the judiciary was

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reorganized in 1699, he was appointed Chief Justice of the Superior Court and served until 1704, when he left the county "without leave," and Richard Waldron was named councillor by mandamus in 1711, in his stead. During Andre's administration he was captain of the fort at Great Island, and John Cross, a soldier, made charges against him for monies misappropriated, who had leave granted to sue him for it. Judge Hinckes, it is believed, returned to New Hampshire and died there, at New Castle, in 1734.

WILLIAM VAUGHAN.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1708–1716.

William Vaughan was a grandson of Sir Roger Vaughan, of Elamerganshen in Wales, and emigrated in 1664 to Portsmouth, N. H., engaged in business as a merchant and was very successful, acquiring wealth, and being generous and public-spirited, became very prominent. From 1676 to 1680 he served as selectman at Portsmouth, and repeatedly afterwards; was one of President Cutt's council and of several of his successors, holding his seat, with various interruptions, till 1713; sat two years as Judge of the Court of Common Pleas under the first Provincial Government. Governor Cranfield named him a member of the special court for the trial of Edward & Son, where he gave offense by his independence and fearlessness and Governor Cranfield removed him as a councillor, and finally arbitrarily committed him to prison and held him for nine months. He was one of the proprietors whom Robert Mason sued to recover the soil, and the only one who appealed; served as Treasurer of the Province, as Recorder of Deeds, and was at one time in command of the entire military force of the Province. In August, 1708, he was

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appointed Chief Justice of the Supreme Court and held the place till February, 1716, though his last appearance in court was in August, 1714. He died November 12, 1719. He was a man of courage and honesty and held a high place in the affection of the people. His son George was Lieutenant-Governor of New Hampshire, married the younger daughter of Richard Cutt, and was the father of two sons and six daughters.

JOHN PLAISTED.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1716–1717.

John Plaisted was the son of Lieut. Roger Plaisted, of Kittery, Maine, was born about 1660, and removed to Portsmouth at about the age of 19 years; married a daughter of Capt. John Pickering and was a prominent citizen; was chosen to the Provincial Assembly in 1692, and for several succeeding years, and was elected Speaker of the House in 1696. In 1702 he became a member of the Council and continued (with possible intervals) till 1716; was commissioned a Judge of the Superior Court in 1699 and served assiduously till, in August, 1716, he was appointed Chief Justice. He only attended one term of court after he was made Chief Justice. There is some doubt as to the date his of death, but it was probably in 1717.

SAMUEL PENHALLOW.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1717–1726.

Judge Penhallow was born in St. Mobin, Cornwall, England, July 10, 1665; came to Portsmouth with his preceptor, Charles Merten, in 1686; married the daughter of

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President Cutt, and came into the possession of a large property which he increased by successful business speculations. In 1698, and for several years, he was a representative in the Assembly, and in 1700 was chosen Speaker. In 1702 he was appointed in the Council and remained in that office as long as he lived, except a short suspension by Lieut.-Gov. Vaughan. He was Recorder of Deeds and refused to obey the order of Lieut.-Gov. Usher to deliver the files and records of the several courts to the Secretary of the Province without an Act of the General Assembly authorizing it, and neither threats nor persuasion moved him. In 1714 he was commissioned a Justice of the Superior Court, and in 1717 was named as Chief Justice, where he served as long as he lived; also served as Secretary of the Province from 1714 to his death, and discharged every duty with fidelity and ability. He wrote a history of the Indian wars from 1703 to 1726, in which wars he served as captain. This work is an authority and has been twice reprinted. He died in Portsmouth December 2, 1726, and left a family of four sons and five daughters.

GEORGE JAFFRAY.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.

1726–1732. 1742–1749.

Judge Jaffray was the son of Councillor George Jaffray and was born in Great Island, November 22, 1682; graduated from Harvard in 1702, and was the first man of liberal education who held a seat on the New Hampshire Bench; represented Portsmouth when he resided in the county, in 1710 and several succeeding years. In 1717 he was placed on the Council and the same year appointed a Judge of the Superior Court, where he served till 1726, on the death of Chief Justice Penhallow, when he was named Chief Justice

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and made Treasurer of the Province. Henry Sherburne appears to have been Chief Justice early in 1732, and it is supposed that Judge Jaffray resigned at that time. Chief Justice Sherburne ceased to preside in that court in 1742, and Judge Jaffray was re-commissioned Chief Justice, which office he filled till his death, May 8, 1749. He served as Treasurer as long as he lived, and his ability and integrity were unquestioned. January 10, 1710, he married Sarah, daughter of Daniel Jeffries, of Boston, who died January 12, 1734. On March 9, 1738, he married Mrs. Sarah McPheelins, a daughter of Lt.-Gov. John Wentworth.

HENRY SHERBURNE.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.

1732–1742.

Judge Henry Sherburne was born February 16, 1674, at Portsmouth; was a seaman, merchant and man of business; was styled Captain and later Colonel, and saw some service in the Indian wars; represented Portsmouth in the General Assembly in 1720 and later, and was a Councillor from 1728 for nearly thirty years. In 1732 he was named Chief Justice of the Superior Court, and held the position for ten years; was Treasurer of the Province in 1732 and some years after, and was a gentleman of intelligence and high standing. He died in Portsmouth, December 29, 1757. He married Dorothy, a daughter of Samuel Wentworth. Henry Sherburne, who afterward was Chief Justice of the Court of Common Pleas, was his son.

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ELLIS HUSKE.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1749–1754.

Judge Huske was a brother of Gen. Huske, who fought at Dittingen and Culloden; emigrated to Portsmouth and was appointed to the Council in 1733 and held that office till his death in 1755; was appointed a Judge in 1739 and held the office ten years, when, in 1749, he was appointed Chief Justice; resigned in 1754, doubtless on account of Governor Benning Wentworth's message to the Assembly, that during Huske's administration of the office the Court "was fallen into great disorder, and by repeated delays the course of justice was in a manner put a stop to."

THEODORE ATKINSON.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1754–1775.

Chief Justice Atkinson is known as the fourth Theodore, his father the third Theodore, who was born in Boston, removed to Newcastle in 1694, and was a Judge of the Court of Common Pleas, Clerk of the Superior Court, and died in 1719. Chief Justice Atkinson was, in 1720, after the death of his father, made Clerk of the Court of Common Pleas and was admitted to the bar in 1731; married a daughter of Lt.-Gov. John Wentworth, who had appointed him Collector and Naval Officer, and Sheriff of the Province. In 1730 Gov. Belcher, who was unfriendly to Gov. Wentworth, removed Atkinson from the first two offices and appointed another person to perform jointly with him the duties of sheriff. When he was but 28 years of age,

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he was made a Commissioner, with one from Massachusetts, to proceed to Canada to secure the release of prisoners and to remonstrate against the inciting the Indians to war, in violation of treaties, and received the thanks of the Assembly for his service. In 1731 the King appointed him a member of the Council, but Gov. Belcher prevented his taking his seat till 1734, and Atkinson, who had been elected a Representative, retaliated by opposing the Governor in the House. He served as Councilman from 1734 to the dissolution of the Royal Government in 1775. He was a delegate to the Albany Congress of 1754, and was a member of the committee who reported a plan of Union for the defence of the Colonies. This report was rejected at home because it gave too much power to the King, and in England because it gave too much power to the Colonial Legislature. In 1754 he was appointed Chief Justice and served until the Revolutionary Government of 1775 was created. He was opposed to the Revolutionary movement. He gave by his will a legacy of £200 to the Episcopal church Portsmouth, the interest of which is expended for bread to be distributed on Sundays to the poor of the parish.

[This concludes the sketches of the Chief Justices of the Province of New Hampshire, from 1693 to 1775, when the Revolution came and the Independence of the country was declared. The data is from the admirable work of "The Bench and Bar of New Hampshire," by Hon. Charles H. Bell, which is used for the further Historical Sketches of the early Judges.]

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EX-CHIEF JUSTICES FROM THE INDEPENDENCE OF THE COUNTRY.

MESHECH WEARE.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1776–1782.

Chief Justice Meshech Weare was born in Hampton Falls, June 16, 1713; graduated at Harvard in 1735; prepared himself for the pulpit at first, and afterward studied law, but does not seem to have been admitted to the bar. In 1745 he represented Hampton Falls in the Provincial Legislature and continued to do so nearly all the time until 1776; was Clerk of the House for several years, and in 1752 was chosen Speaker, which position he held till 1755. In 1754 he was a delegate to the Albany Congress, and in 1766 he was a Colonel of a militia regiment. He espoused the People's side and opposed the British Government and Ministers, and from 1775 to 1784 was a member of the Provincial and State Committee of Safety, which had full powers granted by the Legislature in vacation. In 1776 he was elected a member of the Council and President under the Popular Government, which office he held until 1784, when he was elected the first President of the State. This he resigned in 1785 on account of the infirmities of age. In 1747 he was appointed a Judge of the Superior Court and performed the duties till 1775. During the Revolution it is said of him, by Mr. Chas. H. Bell, that "he administered simultaneously the highest offices in the State—legislative, judicial and executive,—a conjunction of powers which, under other other circumstances and in a

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man of less principle and patriotism, would have been hazardous in the extreme; but he was never suspected of abusing his power. He was a reading and a thinking man of sound judgment, industry, discretion and integrity." He sat thirty-four years upon the Bench of the Superior Court, where his father and his grandfather had sat before him. He died at Hampton Falls, January 14, 1786, and left nine children.

SAMUEL LIVERMORE, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1782–1790.

Judge Livermore was of English descent, his ancestor, John Livermore, emigrating from Exeter, England, and settled at Watertown, Mass., in 1635; taught school in Chelsea, Mass., in 1750 and 1751; entered Nassau Hall (now Princeton) then located at Newark, in 1751, in advanced standing and took his degree in 1752; studied law in the office of Edmund Trowbridge and was admitted to the Middlesex, Mass., Common Pleas Bar in June, 1756. After a year's practice he removed to Portsmouth, and engaged in a lucrative practice. To avoid mixing in the dispute with the mother country he removed to Londonderry in 1764 and represented that town in the Legislature of 1768, 1769 and 1770, when he was appointed Advocate in the Court of Admiralty and King's Attorney General in New Hampshire, which office he held as long as the Royal Government lasted, and returned to reside in Portsmouth in 1769. In 1774 he returned to Londonderry and in 1775–76 he removed with his family to New Holderness, where he had acquired a landed estate.

While secretly a Royalist in feeling, he retained the confidence of Governor Wentworth and was not suspected

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of Toryism, and was elected Attorney General in 1776, and after the surrender of Burgoyne, in 1177, he began to believe in the success of the Patriot cause.

In 1779 he was chosen by the General Court as Agent to the Continental Congress to support the claim of the State to the Hampshire Grants, and in 1780 was elected a delegate to Congress, but not to supersede the other delegates, and attended until 1782 when, on June 21, he was appointed Chief Justice of the Superior Court, and he was, in the autumn of 1785, again elected to Congress and took his seat while still holding the office of Chief Justice. In July, 1788, he was a delegate from Holderness to the convention to consider the new Constitution, and was instrumental in its adoption. He was elected by the people one of the first representatives in the new Congress of 1789, and took his seat. The State Constitution did not forbid it and he still held his judicial position. This created dissatisfaction, which taking public form, he resigned the chief justiceship in 1790, for that and other reasons.

He was re-elected to Congress in 1791, and was chosen a member of the Constitutional Convention of the State, and chosen President of that convention.

The Legislature elected him to the Senate of the United States in 1791 and he served six years, was re-elected, but his health failing he resigned June 12, 1798.

The Bar disliked him, but the people sustained him. He refused to be governed by precedents and even his own decisions, and would not respect, so far as to follow, the adjudications of the English courts. This the Bar resented. He was an autocrat in his day, and was said to rule his court with a rod of iron, Dartmouth gave him the degree of LL. D. in 1792. He had three sons, two of whom, Arthur and Edward St. Loe, became judges of the Superior Court.

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ISAIAH BARTLETT, M. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.

1790.

Isaiah Bartlett, one of the signers of the Declaration of American Independence, was born in Amesbury, Mass., November 21, 1729; attended the common schools and applied himself to the study of Latin and Greek until at the age of 16 years he commenced the study of Medicine, which he pursued until 1750 under the advice and supervision of physicians, when he removed to Kingston and commenced to practice Medicine, acquiring quite a reputation. In 1765 he was elected to the Provincial Legislature and was re-elected, being a staunch supporter of the Patriot cause until the outbreak of the Revolution.

He held a commission of Justice of the Peace and as Colonel of the Militia under the Royal Governor. His ardent espousal of the cause of the people, in the early struggle against the crown, led Governor Wentworth to remove him from these offices in February, 1775, and he was chosen an active member of the Provincial Congress, called by the people, and a member of the Committee of Public Safety, excrcising, during the recess of the Legislature, the chief powers of the Provincial Government.

In 1775 and 1776 Dr. Bartlett was a delegate to the Continental Congress where he supported and signed the Declaration of Independence. In 1778 he was again chosen to the Continental Congress and in 1779 was constituted the Chief Justice of the Court of Common Pleas. In 1788 he was a member and temporary chairman of the conven-

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tion called to ratify the Constitution of the United States, and in 1790, 1791 and 1792 he was elected and served as President of New Hampshire. In 1794, under the newly adopted Constitution of the State, he was chosen the first Governor of New Hampshire, and in the succeeding January he resigned that office and all public service by reason of his impaired health.

His judicial service, commencing in 1782 as an Associate Justice, terminated in 1790 as Chief Justice. He possessed superior abilities, sound judgment, earnest patriotism and high integrity. His public service met with full approbation by the people. He founded the State Medical Society and was its first President. Dartmouth College conferred the honorary degree of M. D. upon him. He died in Kingston, May 19, 1795. He married Mary Bartlett of Newton, had three sons, all of whom became physicians, and six daughters.

JOHN PICKERING, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1790–1795.

Mr. Justice Pickering was a descendant of a prominent early citizen of New Hampshire of the same name; fitted for college under the instruction of Rev. Joseph Adams, of Irwington, and ere graduation began the study of divinity, but later changed it for the law; commenced practice at Greenland, but shortly removed to Portland. It is said of him that with the largest practice in the State he had the smallest income. In 1774 he was a Representative in the assembly. His sympathies were with the people in the struggle with the crown, but he dreaded the open breach with the mother country; was one of those who appeared before Congress to remonstrate when the Congress of New

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Hampshire voted to throw off the British yoke and to assume self-government; removed to Exeter, where he was chosen a delegate to the convention called to draft a Constitution in 1778; returned to Portsmouth to reside, and in 1781 he was chosen a delegate to a similar convention; was an important factor in the adoption of the State Constitution in 1783; was chosen a delegate to the convention to frame a Constitution for the United States, which, however, he did not attend; was a member of the convention to ratify the Constitution of the United States held in 1788; was repeatedly chosen to the legislative bodies of the State—the House and the Senate, as well as to the Executive Committee.

In 1790, when John Langdon was made Senator of the United States and resigned as President of the State, Mr. Pickering was made President of the State for the remainder of the official year; was appointed Chief Justice of the Superior Court, and is said to have brought more law-learning than any judge who had sat there before him; served as Chief Justice until his appointment as Judge of the United States District Court in February, 1795. His mind became seriously impaired while in this position. He had become a hypochondriac, so that in April, 1801, the Circuit Court of the United States appointed one of its members to serve during the inability of Judge Pickering. His mind was still farther impaired so that the business of the Court was practically suspended. His malady seems not to have been well understood and there was no method of relief, as the law then stood, save impeachment, which, strange as it may seem now, was resorted to, and he was *pro forma* impeached, although mentally destroyed. This was a frightful commentary upon the intelligence of that era.

Judge Pickering, before this visitation of mental afflic-

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tion, was a man of a peculiarly fine and symmetrical character; was eloquent, judicious, witty, and a great favorite with the people, who disliked the Bar in general; was chairman of the committee to receive General Washington at Portsmouth in 1789, and was happy and felicitous in his address of welcome; was a member of the American Academy of Arts and Sciences, and Dartmouth gave him the degree of LL. D. He had one son and six daughters, and died April 11, 1805, at Portsmouth.

SIMEON OLCOTT.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1795–1802.

Judge Olcott was a son of Timothy Olcott, Jr., and was born October 1, 1735, at Bolton, Conn.; spent his early life on a farm, but graduated at Yale, was admitted to the Bar and commenced practice in Portsmouth, but removed, in 1766, to Charleston, where his life was spent; was elected to the General Assembly of the Province in 1772 and 1773, and served upon important committees. In 1773 he was appointed Probate Judge for Cheshire county. On December 25, 1784, he was appointed Chief Justice of the Court of Common Pleas for Cheshire county; was made a Judge of the Superior Court January 25, 1790, and Chief Justice of the Superior Court March 28, 1795, served as such till his election to the Senate of the United States in 1801, and retired from active life at the close of his term in 1805. He was not a man of education, although a graduate of Yale, was of simple life and tastes, and died February 22, 1815, at Charleston, N. H.

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JEREMIAH SMITH, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1802–1809. 1813–1816.

Chief Justice Jeremiah Smith was born at Peterborough November 19, 1759; was an ardent student from his youth; enlisted under General Stark, fought at Bennington and was slightly wounded; entered Harvard in 1777 and finished his Sophomore year there, then went to Queens (now Rutgers) where he graduated in 1780, and was admitted to the Bar in 1786. In 1787, 1788 and 1789 he served in the Legislature; was in the Constitutional Convention of 1791 and 1792; was first elected to Congress in 1790, took his seat March, 1791, and held that office by re-elections till 1797, when he resigned. On retiring from Congress he removed to Exeter, N. H., where he resided until shortly before his death; received the appointment for United States District Attorney for New Hampshire in 1797 and served till 1800, when he was made Probate Judge of Rockingham county. He here gathered material for a work on Probate Law, which was not published till after his death, in the volume of his "Decisions."

He was appointed one of the Circuit Court Judges of the United States by President John Adams, for New Hampshire. President Jefferson favored the repeal of the act establishing that Court, which was superseded, and in 1802 he was chosen Chief Justice of the Superior Court, which position he held until 1809, when he resigned to take the position of Governor of the State, which he held only one year and was not re-elected. He then resumed his practice at the bar, as a leader, holding a commanding position

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at the bar with such antagonists as Daniel Webster and Jeremiah Mason.

In 1813 he was re-appointed Chief Justice of the State and held the position until 1816, when a new court was organized and Judge Smith returned to his practice at the bar, was leading counsel in the celebrated Dartmouth College case, and, all in all, his name is remembered at the bar as one of the most eminent of the early Judges of New Hampshire. Dartmouth College gave him the degree of LL. D. in 1804 and Harvard in 1807. His son, named after him, later served as a judge of the same court. Judge Smith died at Dover, September 21, 1842.

ARTHUR LIVERMORE.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1809-1813.

Judge Arthur Livermore was born at Londonderry, July 26, 1766, studied Law with his brother, Edward S. Livermore, in Concord, and commenced practice there in 1792, but moved to Chester in 1793. In 1794 and 1795 he was elected representative to the General Court. On December 6, 1796, he was named as Solicitor for Rockingham county and served as such until ——— 21, 1798, when he was elevated to the Bench of the Superior Court. He then removed from Chester to Holderness, and in 1809, on resignation of Chief Justice Jeremiah Smith, he was made Chief Justice.

When the Court was reorganized in 1813, he remained on the Bench as Associate Justice, and Judge Jeremiah Smith was made Chief Justice. He was not rechosen in 1816, when his party came in power and legislated the reorganized court out of office. He was, however, elected to Congress in 1816 and re-elected in 1818. In 1821–22 he

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was elected to the State Senate and in March, 1823, he was re-elected to Congress for the third term; was commissioned Probate Judge of Grafton county, July 5, 1822, but resigned the position in 1823. In 1825 he was appointed Chief Justice of the Court of Common Pleas and held that office until 1833. He was a man of high temper and was high-handed in official action, but he held the confidence of bar and people, which continued for thirty-five years, while he held public office.

WILLIAM MERCHANT RICHARDSON, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1816–1838.

Chief Justice Richardson was born at Pelham, January 4, 1774; early chose the life of a student and graduated at Harvard in 1797 with honors; entered the office of Judge Samuel Dana as a law student, and on admission to the Bar became the law partner of Judge Dana.

He was chosen to Congress in 1811, to fill a vacancy, and was re-elected, but having no taste for political life, resigned his seat. In 1814 he was made United States attorney for New Hampshire, and removed to Portsmouth, and in 1816, on the reorganization of the courts, Governor Plumer named him for Chief Justice and in a council politically divided, when party spirit ran high, he was unanimously confirmed. He served until 1838, and his influence in placing the Judicial System of the State on a higher plane, supplementing the work and influence of his predecessor, Chief Justice Jeremiah Smith, cannot be too highly appreciated.

The Reports of Decisions were inaugurated in his time. He was a man of great general learning. He served as Chairman of a Commission to revise the laws of the State;

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supervised the publication of the cases included in the early reports, and he prepared manuals of practice for three chancery officers, viz., Justices of the Peace, Sheriff's and Town officer's. Dartmouth College gave him the degree of LL. D.; in 1827.

In 1819 he removed from Portsmouth to Chester where he spent the remainder of his life. He died at Chester, March 23, 1838.

JOEL PARKER, LL., D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1838–1848.

Judge Parker was born at Jeffrey, January 23, 1795, and was the son of that Abel Parker who paid a comrade for the privilege of fighting at Bunker Hill where he was badly wounded.

Young Joel fitted for college at the Groton Academy, Massachusetts, enlisted as a sophomore at Dartmouth, and graduated at seventeen years of age. He studied law with his brother Edmund at Amhurst, and in 1821 he removed to Columbus, Ohio, and was admitted to the Bar there in 1822, but he returned to Keene, N. H.

In 1824, 1825 and 1826 he served in the Legislature. He was the author of the act conferring chancery powers on the Supreme Court, passed in 1832.

In 1833 he was made an Associate Justice of the Superior Court, and in 1838 he was made Chief Justice, a position which he filled until 1848.

In June, 1848, he took a chair in the Harvard Law School, and removed to Cambridge, Mass., to reside.

Dartmouth gave him the degree of LL. D. in 1837, and Harvard in 1848. He died at Cambridge, August 17, 1875.

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JOHN JAMES GILCHRIST, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1849–1855.

Judge Gilchrist was born at Medford, Mass., February 16, 1809. His father was a Scotchman, settling at Medford. He entered at Harvard and graduated from its Law School. He formed a partnership with Henry Hubbard, of Charleston, and engaged in practice. In 1836 and 1837 he was in the Legislature, and in 1838 he was made a Register of Probate.

In 1840 he was appointed Associate Justice of the Supreme Court.

He was the author of the Digest of New Hampshire Reports that bears his name. In 1848, when Judge Parker retired from the Bench, Judge Gilchrist was made Chief Justice, with general approval.

In 1855, on the creation of the Court of Claims, President Pierce appointed Judge Gilchrist Chief Justice of that Court, in which position he served and left the Bench of the Supreme Court. Dartmouth made him an LL. D. in 1852 and Harvard in 1856. He died at Washington, D. C., April 29, 1858.

ANDREW SALTER WOODS, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.

Judge Woods was born at Bath, June 2, 1803. He was of Scotch Irish descent. He graduated at Dartmouth, in 1825; was admitted to the Bar and practiced in the firm of Goodell & Woods, at Bath, N. H.

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In 1840, he was made an Associate Judge of the Superior Court.

On the resignation of Judge Gilchrist, in 1855, to enter the United States Court of Claims, Judge Woods was promoted to the position of Chief Justice.

He was legislated out of office by the political change in the State, which was not at all aimed at him, and in the same year.

Dartmouth gave him the degree of LL. D., in 1852; resumed the practice of the law at Bath, and died there June 20, 1863.

IRA PERLEY, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1855–1859.

Judge Perley was born in Bradford, Mass., Nov. 9, 1799; graduated at Dartmouth College in 1822 and was admitted to the Bar in 1827; practiced Law at Hanover and at Concord. In 1850 he was appointed an Associate Justice of the Supreme Court, but resigned after two years' service. On the re-organization of the Courts in 1855, he became the Chief Justice of the Supreme Judicial Court and served until 1859, when he resigned. In 1864 he was again appointed Chief Justice and served until he reached the age of seventy in 1869. He was a scholarly man of excellent repute. Dartmouth Conferred LL. D. upon him in 1852. He died at Concord Feb. 26, 1874.

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SAMUEL DANA BELL, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1859–1864.

Chief Justice Bell was a son of Samuel Bell. Born at Francestown, October 9, 1798; graduated at Harvard in 1816; was admitted to the Bar in 1819, and commenced practice at Merideth, but removed after to Chester. In 1823 he was made solicitor for Rockingham county, and in 1825 and 1826 he served in the Legislature.

In 1827–8–9 he acted as commissioner on a Revision of the Statutes of the State.

In 1828–1829 he was clerk of the House of representatives, and in 1828 was re-appointed solicitor but declined the office. He accepted the position of Cashier of the Exeter Bank, in 1829, which he held until 1836, but, he, finding this to interfere with his professional work, removed to Concord. In 1839, having been appointed general attorney of the corporation that controlled the land and water power at Manchester, removed there in 1839. In 1849 he served on the Commission to revise the General Statntes of the State, which were adopted in 1842, and are known as the "Revised Statutes;" was appointed Police Judge at Manchester, in 1846, when it became a city. Two years later he was commissioned as Circuit Judge of the Court of Common Pleas, and in 1849 he was named as an Associate Judge of the Superior Court; served as such until 1859, when he was promoted to the place of Chief Justice, which he filled until his resignation, in 1864; was a member of the State Historical Society, and served as vice-president for four years and president two years.

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Harvard conferred the degree of LL. D. upon him. He died at Manchester, July 31, 1868.

HENRY ADAMS BELLOWS, LL. D.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1869–1873.

Chief Justice Bellows was born at Rockingham, Vt., October 25, 1803; he was self-educated save the public schools at Walpole, Vt., and the Academy at Windsor, Vt. At twenty he entered the law office of Wm. C. Bradley, of Westminster, Vt., and was admitted to the Bar at Walpole, Vt., in 1826, and removed and settled in practice at Littleton, N. H., in 1828. In 1850 he removed to Concord. In 1839 he represented Littleton in the Legislature and Concord in 1856 and 1857. On Sept. 23, 1859, he was appointed Associate Justice of the Supreme Judicial Court. On October 1, 1869, he was made Chief Justice of that Court and served until the close of his life. He died at Concord March 11, 1873. Dartmouth conferred the degree of LL. D. upon him in 1869. He stood very high in the public esteem and regard.

JOHNATHAN E. SARGENT.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1873–1874.

Judge Sargent was born at New London, October 23, 1816. He was a graduate of Dartmouth College in 1840. He was admitted to the Bar in 1842 and practiced at Canaan, Wentworth and Concord, where he died January 6, 1890. In 1844 he was made Solicitor for Grafton County, and held that position ten years. He served in the Legislature in 1851-2-3, and was Speaker of that

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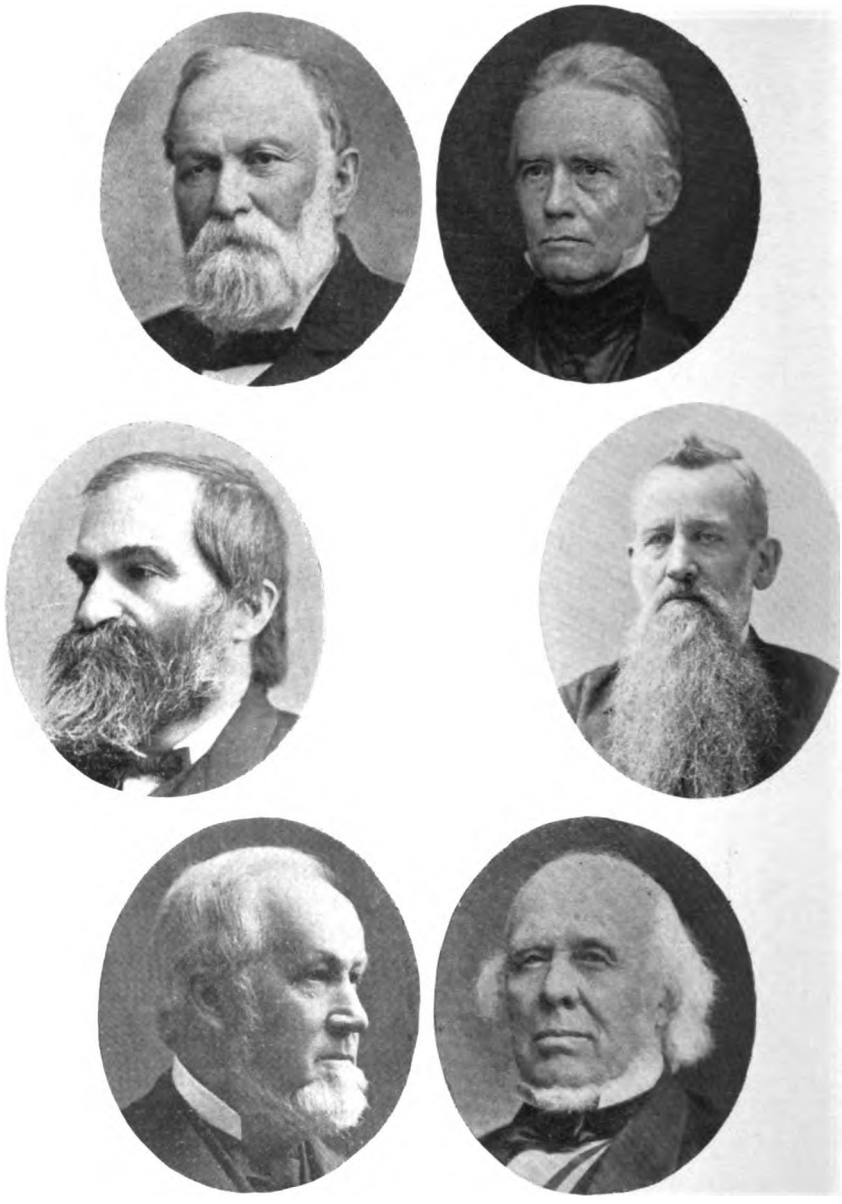

EX-CHIEF JUSTICES SUPREME COURT OF NEW HAMPSHIRE.

HON. LEWIS W. CLARK.
1898.

HON. SAMUEL DANA BELL.
1859–1864.

HON. CHARLES DOE.
1876–1896.

HON ALONZO P. CARPENTER.
1896–1898.

HON. J. EVERETT SARGENT.
1873–1874.

HON. HENRY A. BELLOWS.
1869–1873.

From advance sheets Supreme Court of the States and Provinces of North America.

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body two years. In 1854 he was a member of the Senate and was president of that body. In April, 1855, he was made a Circuit Justice of the Court of Common Pleas, and served till that Court was abolished, in 1850. He was then appointed Associate Justice of the Supreme Judicial Court until in August, 1874, the last year and a half, as Chief Justice. In 1874 he resumed practice of the law at Concord, was in the Constitutional convention of 1876, and in 1877 and 1878 in the State Legislature. He was Chairman of a committee to revise the laws in 1877, finally adopted by the Legislature in 1878, known as the "General Laws." He was President of the State Historical Society in 1888 and 1889. Dartmouth College gave him the degree of LL. D. in 1869.

HON. CHARLES DOE.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1876–1896.

Hon. Charles Doe, late Chief Justice of New Hampshire, was born at Derry, N. H., April 11, 1830; graduated from Dartmouth College in 1849; studied law in the office of Daniel M. Christie, of Dover, N. H, and at the Harvard Law School, and began practice at Dover, in January, 1854. September 23, 1859, when only twenty-nine years of age, he was appointed an Associate Justice of the Supreme Judicial Court, and so continued until the legislative abolition of that Court in 1874. July 22, 1976, he was appointed Chief Justice of the newly established Supreme Court, and held this office until his sudden death, March 9, 1896.

During the first seven years of his judicial life Judge Doe was not conspicuously prominent in Law Term work. His earliest opinions are to be found in Vol. 39 of the New

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Hampshire Reports, but his first contributions which excited general interest and commendation were the dissenting opinions in two cases decided in 1866, viz., Boardman v. Woodman, 47 N. H. 140, and Kendall v. Brownson, 47 N. H. 196. The view which he expressed in the first of these, as to the admissibility of the opinions of non-expert witnesses upon a question of sanity, after having been thrice rejected by a court of which he was a member, was finally adopted, in Hardy v. Merrill, 56 N. H. 127, by a Court from the membership of which he had been carefully excluded.

Had Judge Doe left the bench in 1866, his fame would have rested almost entirely on the traditions of his work at the Trial Terms. Here, he was, from the first, a reformer; his love of simplicity led him to abolish the mere forms and ceremonies usually observed in court rooms; but there was no omission of any incident of procedure essential to the rights of suitors; he insisted that cases should be tried civilly, expeditiously, and upon their merits; he enforced the rule that witnesses in court were entitled to respectful treatment from counsel, in spite of violent and bitter opposition by leading members of the bar who were wedded to the ancient style of cross-examination; he early resolved never to commit counsel for personal disrespect to himself, but taught unruly practitioners that there were other effective methods of holding them in check. In charging the jury, Judge Doe acted upon the maxim that the principal object of speaking is to make yourself understood. So far as practicable, he eschewed legal phraseology, and clothed his instructions in language easily within the comprehension of the men whom he addressed; he did not confine himself to trying criminal cases; he sometimes investigated the preliminary question whether they ought to be tried; and, if he came to a neg-

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ative conclusion, practically coerced the state's counsel into entering a *nol. pros.*, or accepting a plea of guilty of a minor offense. If the state's counsel declined to accede to his view, he would sometimes bluntly refuse to try the case.

The New Hampshire Reports subsequent to the 48th volume are rich with opinions from the pen of Judge Doe. Some of the most admirable are very brief, while others are among the longest to be found in the books. In some of his dissenting opinions, notably those in State v. Pike, 49 N. H. 408; and Hale v. Everett, 53 N. H. 133, he desired to fully justify his dissent. In other cases there was a division in the Court, and the opinions which now appear as those of the whole Court were originally written to convince his brethren of their error, and had the desired effect. It was his practice, also, to answer in advance questions not yet raised; and even when he concurred in results, he frequently preferred an original method of statement and a new process of reasoning. No other judge has so enriched the reports of his state with so many able opinions, some of which compare favorably with the best that have been promulgated in other jurisdictions.

Judge Doe regarded precedents as merely evidence of the law to be weighed with other evidence. The fact that one or more judges or courts have pronounced the law to be thus and so, was of itself, in his mind, of very little consequence. He looked to the reasons assigned for the judgments. Any doctrine that tended to defeat rather than to promote justice, he repudiated without hesitation, no matter how ancient it might be, or by how many or how able courts it had been sanctioned. His one controlling desire was to do exact justice, and if this end could not be accomplished save by setting at naught the "wisdom of our ancestors" he was ready to go to that extremity. He

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had no veneration for old mistakes, no admiration for ancient error.

The branch of the law which, more than any other, he assisted in renovating and improving was that of procedure. With the concurrence of his associates, and the general acquiescence and approval of the bar, he reformed methods of legal procedure that had outlived their usefulness by a wise and liberal application of the principles of the common law, until there is no jurisdiction in our country, it is believed, where one's legal rights can be so simply, cheaply and speedily established as in New Hampshire. In this respect he accomplished, without the aid of legislation, what other states have sought, and have signally failed to obtain, by the enactment of codes. The Supreme Court of New Hampshire, under the leadership of Judge Doe, did not feel constrained to sit with folded hands awaiting the enactment of a poorly drawn code. Instead of this, the judges proceeded to simplify practice by their own decisions, not merely by discouraging formal objections, but by boldly declaring that "parties are entitled to the most just and convenient procedure that can be invented," and by distinctly recognizing "the judicial duty of allowing a convenient procedure as a necessary instrument of the administration of the law of rights."

After making due allowance to others, it remains undeniable that credit for the improvements in New Hampshire procedure should be given to Judge Doe more than to any other person. His object and purpose in carrying on this reform was to establish such rules of procedure that the people, in the language of the Constitution, might obtain justice "freely without being obliged to purchase it, completely and without any denial, promptly and without delay." The result of his work is a flexibility of remedies in New Hampshire not surpassed by any of the so-called

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code States; and, further, the absolute certainty that cases will be decided on their merits, and that justice will not be strangled in the net of form.

Judge Doe sat on the bench for thirty-five years—longer than Marshall, Taney, Shaw, or any other whose name is worthy of mention in connection with his. During these years of service he labored unremittingly. With him the consideration of a question of law was a full investigation from every point of view, and inquiry ended only when nothing remained to be considered. He had a remarkable memory, the power of clear thinking, extraordinary quickness of perception, and unusual facility of expression; but he did not rely upon these qualities to the exclusion of patient investigation and industrious research. The special task upon which he was engaged, whatever it was, always took complete possession of him, often occupying his mind by night almost as completely as by day. He was never what is called a general reader. During his judicial career he was indefatigable in research, nor were his studies confided to law books; but he never made use of literature as a mental recreation.

For nearly twenty years Judge Doe was the official head of the legal profession in New Hampshire. His great mental powers remained unimpaired to the last moment of his life; and when he passed from earth he was, by the general concensus of his contemporaries, the most eminent lawyer, and, in the opinion of many, the foremost man of his State.

Judge Doe may rightfully be styled the author and father of what he has himself styled "The New Hampshire Doctrine," as to the legal responsibility of the insane. He led the decisions of the American State that repudiated the law as administered in England, as formulated by the English Judges after the McNaghton case,

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attempting to make knowledge of right and wrong and the ability to discriminate between right and wrong the legal test of insanity. He overthrew in New Hampshire "the right and wrong test or theory in insanity cases.

HON. ALONZO P. CARPENTER.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1896–1898.

Justice Carpenter was born in Waterford, Vt., on January 22, 1829. He was fitted for college in the St. Johnsbury Academy, entered Williams College in 1845 and was graduated in 1849. He studied law at Bath, N. H., with Ira Goodall, and was admitted to the Bar of the State in 1853. He practiced his profession continuously, residing in Bath, from that time until his appointment to the bench in 1881, in which time he was County Solicitor (the prosecuting officer) for Grafton County, from 1863 to 1873.

Judge Carpenter was appointed a Justice of the Supreme Court by Governor Charles H. Bell in September, 1881, and held that place until his death. He was a Republican, and at the time of his appointment to the bench was one of the foremost lawyers of the State, if not one of the leaders of the Bar.

In his judicial career he won much distinction, and without any disparagement to his associates, it is the unquestioned fact that he had pre-eminent qualifications for his advancement. He was a most worthy occupant of the position made famous by the unbroken line of distinguished Chief Justices, beginning with Jeremiah Smith and ending with Charles Doe.

He was appointed Chief Justice by Governor Charles A. Busiel, to fill the vacancy caused by the death of the late

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Chief Justice Charles Doe, on March 26, 1896, in response to the almost unanimous voice of the Bar of the State.

He was a conspicuous ornament of the Supreme bench of New Hampshire for the past quarter of a century, and his judicial life was closely identified with the work of that bench.

Judge Carpenter's name was prominently mentioned in connection with the vacancy on the bench of the United States Circuit Court, in the First Circuit, caused by the resignation of Judge Lowell in 1884. His appointment was urged with great vigor by the entire New Hampshire Bar and a majority of the Suffolk County, Mass., Bar. President Arthur, however, finally appointed Judge Colt, of Rhode Island.

In addition to his legal qualifications, Justice Carpenter was noted for his accurate and superior scholarship. He was a wide reader of the best English authors and in most of the modern languages. He was also a student of the dead languages, as a matter of recreation, and one of the most cultured men in New England.

He married Julia R. Goddall in Bath in 1852. Of their five children, four are still living, among them Philip Carpenter, who has practiced law in the city of New York for the last eleven years, and who was in partnership with his father one year before Judge Carpenter's appointment to the bench.

His second daughter, Edith, the wife of Bond V. Thomas, of Millville, N. J, is the author of the prize story "Your Money or Your Life," which won the third prize in the competition created by the New York Herald for the best story.

The degree of LL. D. was conferred upon Judge Carpenter by Williams College in 1889. He died while on the bench at Concord May 21, 1898.

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SUPERIOR COURT OF JUDICATURE.

EDWARD LAMBERT CUSHING, LL. D.

CHIEF JUSTICE SUPREME JUDICIAL COURT OF N. H.
1874-1878.

Judge Cushing was born at Lunenburg, Mass., May 3, 1807. He graduated at Harvard in 1827; was admitted in 1834; he did not commence practice until 1840, at Charlestown. He was a nephew of Ashael Stearns, author of the "Treatise on Real Action," and his brother, Luther S. Cushing, was the author of "Cushing's Manual of Parliamentary Practice." He at one time took a prominent position at the Bar. In 1850, 1852 and 1853 he represented the town in the Legislature. In 1855 he was appointed one of the Circuit Judges of the Court of Common Pleas, which was shortly afterward abolished. He was then tendered a seat on the Bench of the Common Pleas, but declined it. He resumed his practice at the Bar and with great success, and on the re-organization of the Court by the party to which he belonged, he was made Chief Justice of the Superior Court of Judicature; he served only two years, when parties having changed, the re-organization was again changed and his judicial career abruptly terminated. It was regarded by the Bar as unfortunate, but the change was the result of party contentions.

Judge Cushing was a man of high culture and literary and musical taste. Harvard conferred the degree of LL. D. upon him in 1875.

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EX-ASSOCIATE JUDGES SUPREME COURT OF NEW HAMPSHIRE.

HON. WOODBURY LANGDON.
1782—1783.

HON. LEVI WOODBURY.
1816—1823.

HON SAMUEL BELL.
1816—1819.

HON. NATHANIEL G. UPHAM.
1833—1842.

HON. GEO. W. NESMITH.
1859—1870.

From advance sheets Supreme Court of the States and Provinces of North America.

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SUPPLEMENT.

CIRCUIT COURT.

WILLIAM L. FOSTER, A. M., LL. D.

EX-CHIEF JUSTICE CIRCUIT COURT AND ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1869–1874. 1876–1881.

William Lawrence Foster was born June 1, 1823, at Westminster, Vermont, and was the only son of John and Sophia Willard Foster. Edmund Foster, his grandfather, was born at Groton, Mass., in 1754, graduated at Yale College, studied for the ministry, and became quite prominent as a preacher.

Through his paternal grandmother Judge Foster traced his descent from the Robert Lawrence of Lancashire, England, who was born about the year 1150. Attending his sovereign, Richard Coeur de Lion, in the war of the Crusades in the Holy Land, he so distinguished himself in the siege of Acre that he was knighted Sir Robert of Ashton Hall.

John Foster, the father of Judge Foster, removed to Fitzwilliam, N. H., in 1825, and from thence to Keene, N. H., in 1834, where he died February 7, 1854. He was a captain in the old New Hampshire militia, and was for many years high sheriff of the county of Cheshire.

Judge Foster, when a boy, attended the common schools and afterwards studied in the Keene and Walpole academies. When about seventeen years of age he commenced the study of law in the office of Levi Chamberlain, Esq.

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In 1844 and 1845 he attended the law school at Cambridge, Mass. In 1845 he was admitted to the bar in Keene, and for a short time was in partnership with John N. Baxter, and afterwards with Mr. Chamberlain. From 1845 to 1849 he was postmaster at Keene. From 1849 to 1853 he was a clerk of the New Hampshire senate; was a member of Governor Dinsmore's staff, with the rank of colonel, by whom, in 1850, he was appointed state reporter, holding that office until 1856.

During his term of office he edited Vols. 17 to 19, 21 to 31, inclusive, of the New Hampshire Reports.

In January, 1853, he married Harriet Morton, daughter of Hon. Hamilton E. Perkins, of Hopkinton, N. H., who survives him, and in April of that year he removed from Keene to Concord, where he entered into partnership with Col. John H. George. Hon. Charles P. Sanborn subsequently became a member of the firm, and upon Colonel George's retirement therefrom in 1867, the partnership was continued by Messrs. Foster and Sanborn until October, 1869.

Judge Foster was a member of the legislature in 1862 and 1863. In 1863 he received from Dartmouth College the honorary degree of Master of Arts; was appointed a Judge of the Supreme Judicial Court October 1, 1869, and held that office until October 1, 1874, when, upon the reorganization of the courts, he was appointed Chief Justice of the Circuit Court, with the late Judges Stanley and Rand as associates. October 1, 1876, he was appointed a Judge of the Supreme Court; resigned that office July 1, 1881, and resumed the practice of law, in which he continued until his death.

Judge Foster had the rare distinction of having been a distinguished, learned and brilliant lawyer, an eloquent

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and accomplished advocate, as well as an honorable, impartial and able judge.

Although Judge Foster had naturally a remarkable facility of expression, he did not rely on this alone, but carefully and industriously prepared all his arguments before juries and the court, as well as his addresses upon formal occasions.

As a judge he presided at a trial fairly, ruled intelligently, reserved exceptions honestly and clearly. As a law judge he was always desirous of hearing causes fully discussed by counsel and receiving from them, as he was entitled to, all the light they could give in the case, and at the conclusion he investigated the questions thoroughly, wrote an opinion in which his propositions were plainly stated and amply sustained by reason and authority, and his opinions stand as some of the classics of judicial literature.

His reported cases as counsel are contained in the New Hampshire Reports, Vols. 18 to 20 inclusive, 25 to 30 inclusive, 32, 33, and 35 to 49 inclusive, 52, 61 to 66 inclusive. Those cases number 168, and do not include his work before inferior tribunals, or the United States courts, in which he was an extensive practitioner.

His opinions as judge are contained in Vols. 49 to 60 inclusive, and 65 and 66. These number 243 and occupy 706 printed pages. He presided at 61 trials, covering a period of 1,249 days, and attended about 150 days of law term work; presided at 396 jury trials, 16 homicide cases, 9 of which were for murder in the first degree, in four of which the accused were sentenced to death, and three of them were hanged.

No man was more honorable than he in his dealings with his associates. His word once given, no written statement of the fact was needed. His rulings as a mem-

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ber of the court were always characterized by the same fairness and courtesy which he had snown at the bar. He was invariably popular and always loved by all with whom he came in contact. Master of a clear and easy English style, his opinions, even when declaring some plain and simple point of law, or when discussing some more abstruse problem, were listened to with pleasure by his hearers, and are read with profit and satisfaction. He spared no pains to go to the bottom of any case which came into his hands. He did not ask for or seek political preferment. Indeed, practical politics were distasteful to him, and he was in every sense of the word a true lawyer.

He left surviving him the following children: Elizabeth Bradbury, widow of Hon. Edgar H. Woodman; Mary Bartlett, wife of Lieutenant Marshall; William Hamilton Foster, and Roger Elliott Foster.

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EX-ASSOCIATE JUDGES SUPREME COURT OF THE PROVINCE OF NEW HAMPSHIRE FROM 1692 TO 1776.

ROBERT WADLEIGH.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1693-1697.

Robert Wadleigh lived in Welles, Maine, in 1653, and was town clerk there in 1659. In 1666 he settled at Wadleigh's Hall, now in Lee; in 1676 he was an inhabitant of Exeter, where he resided the remainder of his life; in 1680 he was chosen a deputy to the Provincial Assembly, and acted as its clerk. He was appointed a councillor by the city council, and served from 1684 to May, 1689; was commissioned a justice of the peace in 1686, and in 1692 was an assistant in the court of common pleas. On October 30, 1693, he was appointed a judge of the Superior Court, and served until April 27, 1697, when a new commission was issued.

WILLIAM PARTRIDGE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1693-1797.

Judge Partridge was a native of Portsmouth, born in 1655, a shipwright of distinction, and a man of great personal popularity; was Treasurer of the Province as early as 1692, and in October, 1693, was made Associate Judge of the Superior Court and served until 1697, when he was appointed Lieutenant-Governor, to succeed Lieut.-Gov.

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Ussher, who contested his appointment, but Partridge succeeded to the position and served until 1702, when he removed to Newberry, Mass., and died there January 3, 1729, in the 75th year of his age.

JOB ALCOCK.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1697–1699.

Job Alcock was born about 1640, at or near York, Me., where he was a lieutenant of the militia of that town in 1668, and afterwards captain. Under the second charter of Massachusetts he was, in 1691, made a Councillor for Maine, and later a Justice of the Court of Common Pleas there. Williamson, in his *History of Maine*, describes him as "one of the ancient, most substantial and wealthy inhabitants of York." He removed to Portsmouth, N. H., about 1692. In February, 1697, he was commissioned a Justice of the Peace for the province of New Hampshire, and in April, 1697, he was appointed an Associate Judge of the Superior Court. In February, 1699, a new commission was issued, which terminated his connection with that court. He died at Portsmouth in 1716.

NOTE.—Charles H. Bell, in *The Bench and Bar of New Hampshire*, says: "In some of the lists of judges that have been published, the name of Job Clements is given instead of Alcock. The latter, however, is correct, as an inspection of the original Council demonstrates." Hon. J. W. Fellows, in his list furnished the editor, gives the name of this judge as Job Clements, but we feel certain that Charles H. Bell is correct, and the list of judges should be corrected in that respect.

JOHN GERRISH.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1697–1698. 1699–1714

John Gerrish was born May 15, 1646, probably in Newberry, Mass., was living in Dover in 1660, and took the

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oath of a freeman in 1669. In 1684 he was a deputy from Dover to the Provincial Assembly, and at that time held the rank of captain in command of a troop of horses in the militia. In 1689 he was a member of the convention "To resolve upon some method of Government," after Andro's deposition. In 1692 he was appointed Councillor; in 1697 he was made a Judge of the Superior Court and served until the next year; was again appointed in the commission of 1699, and served as an Associate Justice until his death in 1714, although he attended court but once after February, 1699, and that was in February, 1713. The records show that he was absent from August term, 1713, by reason of sickness, and he seems to have held his commission although not attending the sessions of the court.

KINSLEY HALL.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1698–1699.

Judge Hall was born in 1652, probably at Dover; his father was one of the signers of the Combination in Exeter, and the son resided there and was elected a selectman for several years, town clerk, and served in the Provincial Assembly as a deputy in 1694 and 1695; held a commission as captain and rendered very valuable military service as such during King William's war; also held a commission as a Justice of the Peace, and in 1698 was appointed a Judge of the Superior Court and served as such until 1699. He died in Exeter in 1736.

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SHADRACH WALTON.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1698–1699.

Judge Walton was the son of George Walton, one of the signers of the Exeter Combination in 1639, who afterwards moved to Great Island, where the Judge was born in 1658 and where he afterwards resided; distinguished himself in the Indian wars, rising to the dignity of Colonel of New Hampshire forces, and was in service at the reduction of Port Royal in 2710; was a man of property and influence. In 1716 he was appointed to the council and continued a member of it until his death, and the president of the council for some years before his death. In 1722 Governor Shute appointed him to the command of the New Hampshire forces raised for the expedition against Penobscot. Colonel Walton was a Judge of the Court of Common Pleas from 1695 to 1698, and again from 1716 to 1737. In 1698 he was appointed a Judge of the Superior Court, and was superseded by the new commission in 1699. He died October 3, 1741.

RICHARD HILTON.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1698–1699.

Richard Hilton was a son of Captain William Hilton, and a grandson of Captain Edward Hilton, the emigrant; lived in that part of Exeter which is now South Newmarket, and in later life is said to have removed to Portsmouth; administered the estate of his father, and was a selectman of Exeter seven of the years between 1692 and 1716. In

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1698 there was assigned to him a place for a pew in the new meeting house, for himself, his wife, and four children. As early as the year 1700 he had a right of ferry granted to him between Exeter and Stratham; received the appointment of Judge to the Superior Court in 1698, and served something less than a year, when a change was made. He was living in 1736.

MARK HUNKING.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1712–1729.

Judge Hunking was born in Portsmouth May 17, 1670; was a representative and speaker of the provincial assembly. In 1710 he was named as one of the council, and kept his seat until 1728. In 1712 he was commissioned a judge of the Superior Court, and is supposed to have remained in office until 1729, although the loss of the docket of records of the court for a portion of that time renders the date of his service uncertain; was chosen the recorder of the province in 1722, for three years, and re-elected in 1726; is supposed to have died about the year 1731. Chas. H. Bell, in his *Bench and Bar of New Hampshire*, states that there were several contemporaries of Judge Hunking, bearing the same name, and it is difficult to distinguish the one from the others, and that it is impossible to make any extended biographical sketch of him.

THOMAS PACKER.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1717–1724.

Thomas Packer was born in London, England, was educated as a surgeon, and emigrated to this country while a young man; made a short stay in Salem, Mass., but re-

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moved to Portsmouth, N. H., where he acquired distinctinction, and practiced medicine and surgery, giving considerable attention to public affairs; was made a judge of the court of common pleas, also a judge of probate, and commissioned a lieutenant colonel in the militia; was a member, and also the speaker, of the house of the assembly for some time and was, in 1719, made a member of the council, which commission he held to the time of his death; was commissioned a judge of the Superior Court in January, 1717, until his death in 1724.

PETER WEARE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1726–1730.

Judge Peter Weare was the son of Chief Justice Nathaniel Weare, was born in Newberry, Mass., November 16, 1660, and resided at Hampton, afterwards Hampton Falls; held a seat in the council in 1698, but went out with Allen's government the next year; was a lieutenant in the militia, and afterwards rose to major and colonel; was a representative from Hampton from 1715 to 1728, and speaker of the house in 1722; was appointed to the bench of the Superior Court in 1726 and served until 1730.

JOHN FROST.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1724-1732.

John Frost was a son of Major Charles Frost, of Kittery, Me., and was born March 1st, 1682; was bred to the sea, and it is said that at one time he was a commander of an English ship of war; was later a merchant in Newcastle, and became a highly useful and prominent man in public

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affairs; resided at Kittery until 1701, when he removed to Portsmouth. In 1723 he was appointed a councillor of the province and served as such through his life. In 1724 he was commissioned a Justice of the Superior Court to succeed Thomas Packer, and held this office until his death, September 4, 1732. He married the sister of Sir William Pepperell.

ANDREW WIGGIN.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1729–1732.

Judge Andrew Wiggin was the son of Andrew and grandson of Captain Thomas Wiggin. He was born in Squamscott, now Stratham, January 6th, 1672. He was one of the selectmen in 1699, 1712 and 1714, while Squamscott was connected with Exeter; he then succeeded in having Stratham incorporated as a separate town in 1716, and he was elected for a number of years as its representative in the Assembly, and repeatendly held the office of speaker (for the first time in 1728). He was a man of very fixed opinions, and became embroiled with Governor Belcher; was appointed judge of the Superior Court in 1729, and his commissioh is supposed to have run to 1732, though he only sat on the bench three terms, beginning with the September term of 1729. He died about 1756.

NATHANIEL WEARE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1730–1738

Judge Weare is understood to have been the son of Peter Weare, and a grandson of the chief justice of that name. He was born in Newberry, Mass., and resided at Hampton

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Falls. In 1727 he was a member of the assembly from that place, and was elected and served as speaker; in 1728, on the new election of the house of assembly, composed of nearly the same persons, he was chosen speaker, and Lieutenant Governor Wentworth, with whom Mr. Weare had had some differences, refused to approve the choice. The house of the assembly demurred to Wentworth's authority, and it was nine days before another speaker agreeable to Wentworth, was chosen speaker. He was a leader of a popular party, and for a number of years after 1728 was re-elected a member of the assembly. He held a commission of judge of the Superior Court from 1730 to 1738. The date of his death is uncertain. His will was made in 1738, and he probably died about 1740. His youngest son, Meshech Weare, became the chief justice of the Superior Court, and the first President of New Hampshire under the republican government.

NICHOLAS GILMAN.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1732–1740.

Judge Gilman was born in Exeter on December 26, 1672, and was a farmer and merchant, and a member of the assembly in 1732. In 1729 he was made a judge of the court of common pleas, and after serving one year, resigned the office to give his attention to private affairs. In 1732 he was commissioned a judge of the Superior court, accepted it, and performed the duties until 1740, when he resigned, and his son, Samuel Gilman, was appointed in his place. He was a man of large property, and died in 1749.

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BENJAMIN GAMBLING.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

1733–1737.

Judge Gambling was born in Roxbury, Massachusetts, about the year 1681. He graduated from Harvard College in 1702; in 1709 he resided at Portsmouth, and was made clerk of the court of common pleas; in 1717 he was made sheriff of the province of New Hampshire, and served until 1728. He was representative in the house of assembly in 1727 and 1728; in 1732 he was advanced to the council, in which he served until his death; was made judge of probate in 1731, and was commissioned judge of the Superior Court in 1733, which office he held until his death, September 1st, 1737.

JOSEPH SHERBURNE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.

1739–1740.

Judge Joseph Sherburne was one of the wealthiest citizens of Portsmouth, who paid, in 1727, a tax, the fifth of the amount in that township. He was born in 1680; in 1734, then holding the commission of lieutenant colonel, he was made a member of the provincial council, and served during the remainder of his life; was appointed special justice of the court of common pleas repeatedly between the years 1733 and 1738; was made a judge of the Superior Court in 1739, and held the office one year, and died at Portsmouth December, 1744.

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THOMAS MILLET.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1740-1742.

Judge Thomas Millet resided at Dover; was a prominent, active man, holding public positions for more than a quarter of a century; held the position of captain in the militia, and was a member of the house of assembly from 1731 to 1758 continuously, with the exception of three or four years. He was a selectman of Dover for some twenty years, beginning with 1734; was very active in the preparations for the expeditions against Lewisbourg in 1745, and served as a judge of the Superior court from August, 1740, to August 1741. It is in doubt whether he acted under a general or a special commission. His daughter, Abagail, married Judge John Wentworth October 15, 1750.

SAMUEL GILMAN.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1740-1747.

Samuel Gilman, son of Judge Nicholas Gilman, was born at Exeter, May 1st, 1698, and resided there during his life. In 1732 he was commissioned a captain, and in 1755, a colonel in the militia, and in 1740 as a justice of the peace. He was a hotel keeper by occupation, a man of large means, and the owner of a number of negro slaves. He was commissioned to the Superior Court Bench, in 1740, and served until 1747. He was a man of the highest character, and universally respected, and died January 30, 1785.

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JOTHAM ODIORNE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1742–1747.

Jotham, the son of John and Mary (Johnson) Odiorne, was born at New Castle about the year 1675. He engaged in the shipping business, and prosecuted it with success, and during his active life exerted much influence as a leading public man. From 1715 he was a representative in the assembly five or six years; in 1719 he was commissioned a judge of the court of common pleas, and continued in the office until 1730. He was called to the Provincial Council in 1724. Governor Benning Wentworth appointed him, in 1742, a judge of the Superior Court, and he retained his seat upon the bench until the year before his death, which occurred in New Castle, August 16, 1748. His wife was Sarah Bassum, and they had three sons and four daughters.

THOMAS WALLINGFORD.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1747–1771

Thomas Wallingford was born in Bradford, Mass., July 28, 1697; removed early to New Hampshire, and rose as a merchant, from small beginnings, in that part of Dover which is now Summersworth, until he became one of the wealthiest men in the province; was one of the original purchasers of Mason's patent, thereby acquiring a great landed interest in various townships of the province; was for a long period trusted with public affairs; was a selectman of Dover for eight years, moderator for four years, and

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representative in the assembly for six years; held a commission in the militia as colonel; was appointed a judge of the Superior Court in 1747 and again in 1749, and held that office to the time of his death, in Portsmouth, where he had gone on a business visit, August 4, 1771.

JOSEPH BLANCHARD.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1749-1758.

Judge Blanchard was born in Dunstable (now Nashua) February 11, 1704; was a man of intelligence, great executive power, and for many years a leader in his section of the province, both in civil and military annals; was the first moderator of the town upon its organization under the laws of New Hampshire in 1742; was elected representative from Dunstable in the general assembly in 1744, and again in 1748, but was not allowed to take his seat by the house, on the ground that his election was by virtue of the governor's writ only, and not authorized by the house nor by former usage; held the commission of colonel in 1744, and represented Governor Wentworth in regard to the Indian insurgents in the western part of the province, and in 1754 and 1755 served as colonel in the expedition against Crown Point; served under Sir William Johnston near Fort George, and the companies under his command contributed largely to the success of our arms; was the agent of the Masonian proprietors in their great land purchase in 1746; was commissioned a justice of the Superior Court in 1749, and held his commission at his death, April 7, 1758, though he appears not to have attended court after 1756.

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LEVERETT HUBBARD.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1763–1784.

Leverett Hubbard was a son of Judge Nathaniel Hubbard of the superior court of Massachusetts, was born in Rhode Island in 1723, graduated at Harvard in 1742, studied law in Rhode Island, went to Portsmouth, about 1760, to practice his profession, in 1762 was made comptroller of the customs, and in 1763 Judge of the Superior Court. He served until 1784, when the state constitution was revised and he was not re-appointed. He died in Portsmouth January 2, 1793.

WILLIAM PARKER, A. M.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1771–1775.

Judge William Parker was born at Portsmouth December 9, 1703, admitted to the bar in 1732, and practiced law at Portsmouth, N. H.; was appointed registrar probate by Governor Belcher, and was also surrogate judge of admiralty. In 1765 he was elected to the general assembly of the state and re-elected annually until 1774. In 1771 he was appointed one of the judges of the Superior Court of the province and served as such until the opening of the revolutionary war, which terminated royal authority there; was made an A. M. in 1763 by Harvard College, *pro meritis suis*, although he had never had a collegiate education; married Elizabeth Grafton in 1728 and was the father of eleven children, the oldest son, named after

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him, being a lawyer and a judge. The Hon. John P. Hale, of Rochester, N. H., and Nathaniel Adams, of Portsmouth, were his grandchildren. He died in Portsmouth, April 21, 1781.

MATTHEW THORNTON.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1776–1782.

Judge Matthew Thornton was born in Ireland in 1714, his father bringing him to Wiscasset, Me., in his infancy; removed to Worchester, Mass., where he studied medicine, and practiced as a physician in Londonderry, and in 1745 was appointed surgeon in the New Hampshire troops in the expedition against Cape Breton. From 1758 to 1760, inclusive, he represented Londonderry in the house of the assembly; held a commission as a justice of the peace, and was appointed colonel of a militia regiment by Governor John Winthrop; was a member of the fourth and fifth provincial congresses, which shaped the destiny of New Hampshire in the revolutionary movements, and was made presiding officer in both bodies. In September, 1776, he was appointed a delegate to the continental congress, but did not take his seat till November, when he affixed his name to the Declaration of Independence. In 1771 he was appointed chief justice of the court of common pleas for the county of Hillsborough. In 1776 he was commissioned a judge of the Superior Court and served as such until 1782; removed to Exeter in 1779 and retired to a farm in Merrimac, where he lived during the remainder of his life; died at Newburghport, Mass., at the residence of his daughter, June 24th, 1803, is buried at Merrimac, and upon his tombstone are inscribed the words: "The Honest Man."

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JOHN WENTWORTH.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1776-1781.

Judge John Wentworth was born March 30, 1719, in that part of Dover which afterwards became Somersworth, and is now Rollingsford; was made a selectman of Dover in 1747, elected to representative in the house of the assembly in 1749, and held both of these offices repeatedly afterwards. After Somersworth was incorporated, he represented that town in the house of assembly in 1755, and annually thereafter as long as the provincial government lasted, and was speaker of the house from 1771 up to and during the year 1775; held the commission of lieutenant-colonel in the militia as early as 1767, and was colonel of the "Second Regiment of Foot" in 1772; was made chief justice of the court of common pleas of Stratham county on its organization in 1773, and held that office until 1775. In 1774, on the first assembly of the people of New Hampshire for the election of the delegates for the general congress, Colonel Wentworth was chosen as chairman, as he was also at the second and third provincial congresses. When the revolutionary government of 1776 was organized, he was chosen a councillor and appointed a justice of the Superior Court, both of which places he occupied as long as he lived; was the speaker of the provincial house of the assembly, with the approval of the royal governor, at the same time as he presided over the revolutionary congresses, and a member of their most important committee, and maintained at this time the confidence of all parties who believed in the honesty of his intentions. His

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writings show him to have been a man of intelligent views and a sincere patriot; served as Justice of the Superior Court from 1776 until his death at Sommersworth, May 17, 1781; married for his first wife a daughter of Judge Nicholas Gilman, of Exeter, December 9, 1742, and for his second wife Abigail, a daughter of Judge Thomas Millet, of Dover, October 16, 1750, and June 1, 1768, he married Mrs. Elizabeth (Wallingford) Cole. His children, by these marriages, numbered thirteen.

WOODBURY LANGDON.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1782–1783. 1786–1791.

Woodbury Langdon, of revolutionary memory, was born in Portsmouth in 1739. In his youth he entered the counting room of Henry Sherburne, a distinguished merchant; made several voyages at sea, engaged in the mercantile business, and being both enterprising and industrious had, at the opening of the American revolution, accumulated some property, a considerable part of which was in England; sailed for that country to regain it and returned, in 1777, to the city of New York, where he was imprisoned by the British general; returned to New Hampshire after his release and was very active in the patriot cause. In 1778 and 1779 he was a member of the legislature of the state, and while there, was elected a delegate to the continental congress; served in that congress in 1779, 1780 and 1781, and declined two subsequent elections. In 1782 he was made a justice of the Superior Court, and after the service of one year resigned the office and refused to resume it, although requested to do so by a vote of the house; was again appointed judge in 1786, accepted the place and held it about five years; gave offence

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by neglecting to attend to the duties; was waited upon by a committee of the general court to know why he was not more punctual in attendance as a judge, to whom he explained that the failure to provide permanent and honorable salaries for the judges, and the frequent interference in the legislature, in granting new trials: were not, in his opinion, interferences calculated to make the judiciary more efficient. The house then proceeded to impeach him, and he was ordered to appear for trial by the senate. Both bodies ascertaining that they had no power to try the impeachment, the matter was postponed for the next session. Before that occurred, Judge Langdon was appointed a commissioner to adjust Revolutionary claims, by the President of the United States, and resigned his judgeship in 1791. He was a man of great ability, independence, decision of character, and was keen, sarcastic and thoroughly outspoken; was very peremptory, unyielding, and without any of the arts of acquiring popularity, but he had fast friends, attracted by his ability, frankness, and directness; had a strong sense of justice and a great contempt for anything mean or underhand. He married the daughter of Henry Sherburne, they had nine children, and he died in Portsmouth January 13, 1805.

WILLIAM WHIPPLE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1783-1785.

Judge Whipple was born in Kittery, Me., January 14, 1730; went early to sea, after obtaining a common school education, and before he came of age had command of a vessel; made many voyages to the West Indies, Europe, and the coast of Africa, and at the age of 29 entered into trade with his brother at Portsmouth, which pursuit he

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followed with success until about 1775; became a zealous patriot and was frequently elected to offices on that side. In 1775 he was a member of the provincial congress, besides being placed upon a committee of safety of his own town and state. In 1776, on the adoption of the people's constitution, he was chosen a councillor and again selected as a delegate to the continental congress; voted for and was a signer of the Declaration of Independence; served in the continental congress until 1778; was selected to command the brigades of the New Hampshire militia, and in 1777, when Burgoyne's expedition was threatening New England, he took his command to Saratoga, joined General Gates, and served in that memorable campaign which resulted in the capture of the British army; was also in active service in the field the next year under Gen. Sullivan, in his Rhode Island campaign. After leaving congress he was repeatedly chosen for the legislature of the state, and in 1782 was appointed a Judge of the Superior Court; served with acceptability until, after about three years, his failing health obliged him to quit the bench in the midst of a circuit, and he died November 10, 1785.

JOHN DUDLEY.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1784-1797.

Judge Dudley was born in Exeter, April 9, 1725; did not have, in his youth, even a common school education, and was barely able to read; entered into the trade of a grocer in Exeter, and was successful. For five years, from 1760 to 1765, he was one of the selectmen of the town. In 1768 he was appointed a justice of the peace by the royal governor; became an ardent and active whig, and after the news of the armed collission at Lexington and Concord, in

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1775, it may be said that he devoted his time for the next eight years to the cause of liberty; was chosen to the provincial congresses in 1775 and was immediately recognized as a leader. From 1775 to 1784 he was constantly in the legislature, and in 1782 and 1783 he was speaker of the house. From 1776 to 1784 he was one of the committee of safety. In 1776 he was made a justice of the court of common pleas and served until 1784, when he was promoted to the Bench of the Superior Court. He served as an associate justice of that court until his resignation in 1797. Though unlearned in the law, his judicial duties were performed not only to the acceptance of suitors and the public, but to the satisfaction of unprejudiced members of the bar. His mental powers were vigorous, his judgment rarely at fault; took decided views and spared no pains to enforce them from his jurors; was the master of a rude eloquence which was highly effective, but no one questioned his perfect honesty. Chief Justice Sparsons said, "Though we may smile at his law, and ridicule his language, yet take him all in all, Dudley was the greatest and best judge I ever knew in New Hampshire," and Judge Arthur Livermore said, "that justice was never better administered in this state than when Dudley was on the bench." He died in Raymond, May 21, 1805, at a good old age.

TIMOTHY FARRAR.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1791–1803.

Judge Farrar was born in that part of Concord which is now Lincoln, Mass., June 28, 1747; graduated from Harvard in 1767. In 1774 he was chosen first selectman and town clerk of New Ipswich. In 1775 he received from the

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Revolutionary government the commission of judge of the common pleas and also that of major in the militia; accepted both positions, though he did not distinguish himself as a military man; was, from 1778 to his resignation in 1782, a member of the convention for forming a more complete state constitution and of the committee to draft the instrument, and from 1779 to 1784 he was a councillor.

In March, 1791, he was appointed to the bench of the Superior Court. After serving five years he tendered his resignation, but on the urgent request of the Executive he was induced to withdraw it. In 1802 he received the appointment of Chief Justice, but desiring that Judge Jeremiah Smith should accept that office, and with the intention of quitting the Superior Court, he took no action upon the appointment, but remained as Acting Chief Justice until Judge Smith's acceptance later in the year. He then retired from the superior court, was reinstated as judge of court of common pleas, and resided there until 1813. On the reorganization of that court in 1813, with wider jurisdiction, he was appointed chief justice of the court of common pleas and served as such until a political revolution in 1819. He lived more than thirty years after quitting the bench, and died in Hollis, at the home of a daughter, February 20th, 1849.

EBENEZER THOMPSON.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1795–1796.

Ebenezer Thompson was born at Durham, March 5, 1737; studied medicine and practiced it until he became engaged in political affairs. In 1765 he was chosen as selectman of Durham, and re-elected for the next ten years. In 1766 he was representative in the provincial legislature, which position he filled until the Revolution. He early

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espoused the patriot cause, and December, 1774, was one of the party that dismantled Fort William and Mary, at New Castle, of its ammunition. Governor Wentworth deprived him of his commission of justice of the peace for this open act of resistance to the royal authority. He was a delegate to the several provincial congresses elected by the people between the breaking up of the royal government and the adoption of the first written constitution in 1776, and was a member of the committee of safety from May, 1775, to January, 1781; was chosen a member of the council in 1776, and remained such until 1781. During the Revolutionary period he was frequently placed upon the most important committees; was twice appointed delegate to the continental congress, but declined the office. From 1783 to 1787 he was clerk of the court of common pleas in the county of Stratham, when, in 1787, he was made one of the judges of that court. In 1795 he was appointed to the Superior Court, but resigned after about a year's service. In 1796 he was again appointed a judge of the court of common pleas, and served as such until the close of his life. In 1792 he was an influential member of the convention to revise the state constitution, and was a presidential elector in 1792, 1796 and in 1800. He died suddenly at Durham, August 14, 1802.

DANIEL NEWCOME.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1796–1798.

Judge Newcome was born at Norton, Mass., April 17, 1747; graduated at Harvard college in 1768; studied law at Boston and was admitted there as an attorney in October, 1778, and the same year came to Keene, N. H., to practice. In 1783 his practice was large and he became a man of note and influence; was a member of the conven-

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tion to revise the constitution of the state in 1791 and 1792. In 1789 he was appointed solicitor of the county of Cheshire, and in 1790 a judge of the court of common pleas, but resigned October 2, 1793. In 1796 he was commissioned a Justice of the Superior Court and served until his resignation in 1798. In 1795, 1800 and 1805 he was a member of the state senate. He died at Keene, July 14, 1818.

EDWARD ST. LOE LIVERMORE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE 1797–1799.

Judge Livermore was a son of Chief Justice Samuel Livermore and was born at Portsmouth, April 17, 1762; was admitted to the bar at Concord in 1783, where he commenced practice. After a few years he removed to Portsmouth, from which place he was chosen as a delegate to revise the constitution of the state in 1791. February 15, 1791, he was appointed solicitor of Rockingham county, serving not quite three years; was appointed by the President of the United States, February 17, 1794, district attorney for New Hampshire, which office he held until June 7, 1797, when he resigned it; was then appointed, by the governor of the state, Associate Justice of the Superior Court, but after serving a little more than a year he resigned upon the ground of the inadequacy of the salary, which was then no more than $800. In September, 1798, President Adams appointed him naval officer for the port of Portsmouth, which office he held until he was removed by President Jefferson in 1802, when he removed from Portsmouth to Newberryport, Mass., where he soon became one of the leading members of the federal party in that state; was chosen to the general court from Newberryport,

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Mass., and in 1807 was elected a representative in congress and again re-elected in 1809, where he became a determined opponent of Jefferson and his policy. About 1815 he went with his family to Zanesville, Ohio, with the intention of making a home there, but soon abandoned the idea and returned to New England, bought a beautiful farm in Tewksbury, Mass., near the confluence of the Concord with the Merrimac river, where he spent the remainder of his life. His son became a lawyer in Louisiana and was the author of the text-book, "Livermore on Agency." One of his daughters married Judge J. G. Abbott, of Massachusetts. He died at Lowell, Mass., September 15, 1832.

PAINE WINGATE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1798–1809.

Judge Wingate was born in Amesbury, May 14, 1739; graduated from Harvard in 1759, and prepared for the ministry. In 1763 he was ordained over the church at Hampton Falls, from which he was dismissed in 1776, after some disagreement with his parish, and removed to a farm in Stratham; was chosen a delegate from Hampton Falls to the fourth provincial congress. In 1776 he was one of the forty-two men in Stratham who refused to sign the association test. In 1781 he was chosen a delegate to the convention to form a system of government, which, after repeated sessions, produced a constitution that was adopted in 1783. In 1783 and 1795 he was a representative of Stratham in the state legislature. In 1787 and 1788 he was a member of the continental congress. In 1789 he was chosen as senator of the United States and took part in the opening of the new national government under the constitution. He drew the short term as senator, ending in

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1793, whereupon he was chosen for the lower house of congress, and served four years in that body. In 1798 he accepted the appointment of Judge of the Superior Court and served until he had reached the constitutional limit of age in 1809. After retiring to private life he passed nearly thirty years in agricultural pursuits, when he died, March 30, 1838.

WILLIAM KING ATKINSON.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1803–1805.

Judge Atkinson was born in Portsmouth January 6, 1765; graduated at Harvard in 1783; studied law with Judge John Pickering in Portsmouth, whose daughter he married September 3, 1788, and settled in Dover, which became his permanent home. He took the sur-name of Atkinson under his uncle's will, who bequeathed him a valuable estate upon the condition of his taking the sur-name of Atkinson, which he did and had the adoption sanctioned by an act of the legislature, (he being the son of William King and named after his father). About this time he was appointed register of probate for Stratham county, and the next year was appointed first solicitor for Stratham county. In the year 1803 he was appointed a Justice of the Superior Court of Judicature, and served about two and a half years, when he resigned his commission under the following circumstances: He had continued to exercise the duties of the office of register of probate after his coming upon the bench, and had not resigned his appointment of county solicitor, although it is not plain that he ever assumed to act as such while he was judge, and his retaining these offices was severely criticised by the attorney general, Mr. Mason, and by others. In June,

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1805, the legislature had increased the salary of the chief justice from $1000 to $1500 a year, because the Hon. Jeremiah Smith had declared that he could not afford to hold the appointment of chief justice for a less salary. Judge Atkinson memorialized the legislature in the autumn of that year, stating that his salary of $800 was inadequate, and asking that it be enlarged, intimating that he could not retain the position at the then present salary. The legislature adjourned without granting his request, and he resigned. In February, 1807, he was appointed, by the governor, attorney general of the state, which he held for about five years. After the expiration of the term as attorney general he resumed his practice at the bar, continuing to exercise the duties of the office of register of probate until about a year before his death. He died September 29, 1820.

RICHARD EVANS.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1809-1813.

Rihcard Evans was of Welsh descent and in early life was in trade as a merchant; was without the benefit of a classical education, but took a great interest in politics and in acquiring useful knowledge; was elected to the state legislature from 1805 to 1809, and became a leader of his party; was one of the founders of the journal, established in 1808, at Concord, called the *American Patriot*, which was afterwards acquired by Isaac Hill and became, under the name of the *New Hampshire Patriot*, the most influential paper in the state. He then commenced a course of reading of law, with the view to qualify himself for practice, without entering the office of any practicing lawyer, and in 1809 Governor Langdon, who was his personal friend,

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appointed him a Justice of the Superior Court. This gave offence to the bar of the state, which at that time embraced some men of great ability, and the abler lawyers (especially of the opposite political party) made it their business to worry the Judge by *pleas in abatement*, *special demurrers*, and other legal technicalities, which made Judge Evans' life a burden to him, from which his health at last suffered so that he became unable to meet the requirements of his judicial position. Four years after his appointment the opposing party, coming into power, repealed the law establishing the superior court and created a supreme court in its stead, for the well-known purpose of disposing of obnoxious judges. Chief Justice Arthur Livermore was appointed upon the new bench. Judges Evans and Clagett attempted to resist the new law, but the people sustained the movement and in 1816, when the opposition again came into power, the judiciary law of 1813 was repealed, and they shared the fate of their successors in being removed by address, and an entirely new set of judges was nominated. Judge Evans then presented to the legislature, at the June session of 1816, a memorial reciting his condition and prayed for the payment of his salary as judge from 1813 to 1816. This legislature had treated the judiciary act of 1813 as a nullity and had recognized the tenure of office of the judges of the old court as valid, and he was clearly entitled to his salary, but the legislative committee, unwilling to pay the judges who had been removed when all the business had been transacted by the new court, postponed the consideration of the memorial to the next legislature, and before that time he had died. This was the last instance, in the state of New Hampshire, of the appointment of a non-professional man to the position of judge of the highest court in the state. He married a daughter of Chief Justice Samuel Penhallow, of Ports-

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mouth, and was the father of Richard S. Evans, of the bar. He died at Hopkinton, July 8, 1816.

JONATHAN STEELE.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1810–1812.

Judge Steele was born in Londonderry, September 3, 1760; studied law at Durham, was admitted to the bar in 1787, and practiced in Durham; was a son-in-law of United States Judge John Sullivan, of the New Hampshire district, by whom, in 1789, he was appointed clerk of that court, and he was re-appointed by Judge John Pickering, who succeeded Judge Sullivan. When Judge Pickering was removed from the judgeship, Steele, who had been one of the witnesses against him, was tendered the appointment of United States district attorney, but declined to accept it for the reason that he was unwilling to profit by the misfortune of his former chief, (to which he had been made to contribute by his testimony). In 1804 he was elected one of the presidential electors from New Hampshire and in 1805 represented Durham in the state legislature. In 1810 he was appointed, by Governor Jeremiah Smith, to a place on the bench of the Superior Court, in which position he served only two years and then resigned because he regarded the situation as uncongenial and his salary insufficient; retired and was considered one of the leaders of the bar, but he substantially abandoned his profession, became unsocial, and withdrew from intercourse with his fellow men. He died at Durham, September 23, 1824.

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CLIFTON CLAGETT.

EX-CHIEF JUSTICE OF NEW HAMPSHIRE.
1812–1813.

Judge Clagett was born at Portsmouth, December 3, 1762; was bred for the bar under his father and began practice in Litchfield as early as 1784, where he resided until 1811, when he went to Amherst, which he made his subsequent home; was repeatedly elected a representative in the general court from Litchfield, and was returned from Amherst in 1816. In 1802 he served in the congress of the United States; also in 1816 and 1818. In 1810 he was appointed judge of probate for Hillsborough county, and resigned that office on being commissioned a Judge of the Superior Court in 1812; held that position only one year when, by the act of 1813, the judiciary of the state was reorganized and the superior court was abolished. In 1823 he was again made judge of probate of Hillsborough county and served as such through the remainder of his life. When, in 1816, the success of the republican party enabled the legislature to restore the superior court, Judge Clagett was not re-appointed, and Governor Plumer, who appointed him originally, has left it on record that he made the appointment with reluctance because he did not consider him suitable for the place. It is apparent that the personnel of the court was the controlling motive of the legislature in making the change in 1813. That there was no question of his honesty and rectitude was apparent from the fact that he was appointed and served as judge of probate throughout his life. He died at Amherst, January 25, 1829.

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CALEB ELLIS.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1813–1816.

Judge Ellis was born at Walpole, Mass., in 1767; graduated at Harvard in 1793; studied law under John Davis at Plymouth, Mass., was admitted to the bar and commenced practice at Newport, about 1796; settled in Barmouth probably before 1800; was elected to the legislature in 1803; member of U. S. congress in 1804; councillor in 1809–10; state senator in 1811; presidential elector in 1812. In 1813 he was appointed, with the approval of all parties, a Justice of the Supreme Court, an honor which he had declined three years previously. The term of his judicial service and usefulness terminated by his premature death, which occurred at Claremont, May 9, 1816. He was held in high esteem. Judge Jeremiah Smith pronounced a eulogy upon his character, and he seems to have been universally esteemed, and his death was the cause of widespread mourning, public and private.

SAMUEL BELL, LL. D.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1816–1819.

Samuel Bell was born at Londonderry, February 8, 1770; was a descendant of one of the early Scotch-Irish settlers, brought up on his father's farm, and entered Dartmouth as a sophomore in 1790; graduated in 1793; entered the office of Samuel Gaynor, of Amherst; was admitted in 1796, and commenced practice of the law in Francestown; represented that place in the legislature in 1804 and

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the two succeeding years, in both of which he was elected speaker. In 1807 he was tendered the attorney-generalship of the state and declined it. In 1807 and 1808 he was chosen to the state senate and was made president of that body in both years, and in 1813 he served as member of the executive council. In 1806 he had transferred his residence from Francestown to Amherst, and about 1811 he removed from Amherst to Chester. Failing in health, he was compelled to stop all business and devote himself to regaining physical strength. After two years he resumed professional work at Chester. In 1816 he was made a Justice of the Supreme Court and served three years. In 1819 he was elected governor of the state and was re-elected for the next term. In 1823, when his term expired as governor, he was elected senator of the United States, and at the expiration of his first term was re-elected, serving twelve years in the United States senate, from which he retired in 1835, and ceased from political and professional pursuits. Judge Bell was a friend of Daniel Webster and a man of the highest character and standing in his state, holding most responsible positions in public life for more than thirty years, and fully entitled to the confidence of the public, which he certainly enjoyed. He spent the evening of his life in Chester. Bowdoin College conferred the degree of LL. D. upon him in 1821. His first wife was a daughter of the Hon. Samuel Gaynor, of Amherst; his second wife was a daughter of Jonathan Smith, of Amherst. He was the father of Samuel Dana Bell, afterwards chief justice of the supreme court, and four of his sons became lawyers of prominence and distinction. He died at Chester, December 23, 1850.

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LEVI WOODBURY, LL. D.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1816–1823.

Judge Woodbury was born at Francestown, December 22d, 1789; he graduated at Dartmouth College in 1809; studied law with Jeremiah Smith, at Exeter, Samuel Gaynor, of Boston, and the Litchfield Law School, of Connecticut; was admitted in 1812, and began practice in his native town. In 1816 he was chosen clerk in the New Hampshire Senate, which brought his abilities to the attention of the Executive, and he was in that year appointed by Governor Plumer associate justice of the Superior Court, when he was only twenty-seven years of age, and the youngest man who has ever been designated for that place; he served as judge about six years with great acceptance, and then, in 1819, removed to Portsmouth. In 1823 he was elected Governor of the State, and retired from the bench; he served a year, and then resumed the practice of the law at Portsmouth. In 1825 he represented Portsmouth in the legislature; was chosen Speaker of the House, and later senator of the United States. In 1831 he was made Secretary of the Navy, and served three years, when he was appointed Secretary of the Treasury, in which office he served seven years; he was, in the meantime, tendered the appointment of Chief Justice of New Hampshire. In 1841 the legislature again elected him United States Senator; he remained in the United States Senate until 1845, when he was tendered the English Embassy, which he declined, and was then appointed an associated justice of the Supreme Court of the United States. He served on that bench until his death, at Ports-

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mouth, September 4, 1851. He was made a Doctor of Laws by Dartmouth in 1823, and the Weslyan University, twenty years later. Perhaps there has been in no state of the American Union a more conspicuous example of success in public life than attended the career of Judge Woodbury, from the commencement of his student life until the day of his death. He published three volumes of his writings, and he was the father of Charles Levi Woodbury, of Boston.

SAMUEL GREEN.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE, 1819–1840.

Judge Samuel Green was born at Concord, March 7, 1770. He was admitted to the bar in 1793; commenced practice at Concord, and was a member of the legislature in 1806–7–8. On the resignation of Samuel Bell, in 1819, he was appointed a judge of the Superior Court, and served continuously until 1840, when his term expired by the age limitation. He was a highly respectable judge, though not a man of eminence. After retiring from the bench he accepted a position in one of the departments at the National Capital, at Washington, being a widower, and passed the remainder of his life in that city. He died at Washington, D. C., March 12, 1851.

JOHN HARRIS.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1823–1833.

Judge Harris was born at Harvard, Mass., October 13, 1769; graduated at Harvard in 1791; was admitted to the bar in 1794 and commenced the practice of the law at

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Hopkinton; served as postmaster of that town from 1810 to 1825, and as judge of probate of the county of Hillsborough from 1812 till the organization of the county of Merrimac in 1823. In 1816 he was tendered the commission of justice of the superior court, but declined it. In 1817 he accepted the appointment of county solicitor and served for six years. In 1823 he was appointed to the bench of the Superior Court and served there until 1833 when he was removed from it by the executive on a legislative address, but was at once placed in the post of probate judge of the county of Merrimac, and served in that office until he reached the constitutional limit of age, being 70 years. Judge Harris was not an advocate and he had none of the arts by which popular favor is won. His judicial honors had been bestowed upon him by his party opponents, which are evidence of his ability and integrity, but he had angered his townsmen by injudicious utterances and by casting his vote, as chairman of the legislative committee, (being the casting vote in favor of Concord for the location of the state capitol, and against his own town of Hopkinton). As a judge of the Superior Court he failed to inspire confidence in others, because he lacked confidence in himself. His removal was a very harsh proceeding, but his integrity and ability were recognized by his appointment to another position better suited to his inclinations and his powers. On December 20, 1820, he, with Charles H. Atherton, were named a committee to revise the probate laws of the state, a work which they performed so successfully that they have been scarcely changed since. He died at Hopkinton April 23, 1845.

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NATHANIEL GOOKIN UPHAM, LL. D.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1833-1842.

Judge Upham was born at Deerfield, January 8, 1801; was educated at Phillips-Exeter Academy and graduated at Dartmouth in 1820; was admitted to the bar, began practice in Bristol, and removed to Concord in 1827. At the early age of 32 years he was appointed a judge of the Superior Court; served ten years upon the bench; was a man of superior business attainments and was tendered the position of superintendent of the Concord railroad, to accept which he resigned his judicial position. Judge Upham was so successful as superintendent of the road that he was chosen president of the corporation, and remained with the Concord railroad up to 1866. In 1850 he was a delegate to the convention to revise the constitution of the state. In 1853 President Pierce appointed him as a commissioner, on the part of the United States, to adjust claims between citizens of this country and Great Britain, and between citizens of Great Britain and the United States. As such, with the English commissioner appointed by the British government, this commission settled claims of several millions of dollars satisfactorily. In 1862 he was chosen for a similar service upon a commission of claims between this country and New Grenada. In 1865 and 1866 he served in the legislature. Judge Upham was a man of great industry and had considerable literary attainments; was the president of the New Hampshire Historical Society, and was universally respected. He died at Concord December 11, 1869.

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LEONARD WILCOX.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1838–1840. 1848–1850.

Judge Wilcox was born at Hanover, January 29, 1790; graduated from Dartmouth at the early age of eighteen years with high rank as a scholar, and began practice at Oxford about 1820. He was prominent in politics, and represented Orford in the legislature for seven years. So highly were his legislative abilities esteemed, that in March, 1842, on the resignation by Franklin Pierce, of his seat in the Senate of the United States, that he was appointed by Governor Hubbard to fill that vacancy, and the legislature, in the succeeding June, elected him to fill out the unexpired term, which ended in March, 1843. Prior to this, June 13, 1838, he had received the appointment of justice of the Superior Court, but by reason of illness had resigned the office on September 29, 1840. On the restoration of his health, he was appointed circuit justice of the court of common pleas in December, 1847, and on June 26, 1848, was appointed judge of the Superior Court. He died at Orford June 15, 1850, when he had nearly reached the age limit of service. He left three sons, all of whom are graduates of Dartmouth, and members of the bar.

IRA ALLEN EASTMAN, LL. D.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1849–1859.

Judge Eastman was born at Gilmantown, January 1st, 1809; graduated at Dartmouth in 1829; studied law with John Willard, at Troy, N. Y.; was admitted to the New

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York Bar, and commenced practice there in 1832. In 1834 he returned to his native town and resumed the practice; in 1835 he was chosen clerk of the State Senate, but did not serve; in 1836 he represented Gilmantown in the general court, and was re-elected the next two years, in both of which he was chosen speaker, and was appointed registrar of probate in 1839, and served four years, when he was elected to the Congress of the United States where he served four years. In 1844 he was commissioned a circuit justice of the court of common pleas, and after a service of five years in that court, was promoted to be a justice of the Superior Court, serving as such until 1859, when he resigned. Judge Eastman removed to Concord in 1853, and in 1858 to Manchester. He resumed the practice of the law after leaving the bench. He was the candidate of his party for the governorship in 1863, and for the United States senatorship in 1866, but in neither case was his party in the majority. He had the advantage of a fine personage, and he was considered, when Speaker of the House, as the handsomest man in that body. The state reports of New Hampshire contain a large number of well considered opinions from his bench. Dartmouth College confered the degree of LL. D. upon him in 1858, and the following year he was chosen a trustee of that institution, and acted as such up to the day of his death, which occurred at Manchester, March 21, 1881.

GEORGE YEATON SAWYER.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1855-1859.

Judge Sawyer was born at Wakefield December 5, 1805; he graduated at Bowdoin College in 1826; was admitted to the bar and commenced practice at Meredith in 1830.

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After practicing there four years he removed to Nashua, where he became a partner of his uncle, Aaron S. Sawyer, and immediately entered into a large and lucrative practice. He was elected to the legislature in 1839–40–41 and again repeatedly in later life. In 1866 he was chairman of the committee on judiciary, and in 1875 he was chairman of a special committee to consider the system of taxation. In 1865 he was appointed a commissioner with Samuel D. Bell and Asa Fowler, to revise the laws of the state. The illness of Judge Bell threw the work upon Judges Sawyer and Fowler. Their report was adopted, with very slight modifications, by the legislature in 1867, and was highly approved. He was made city solicitor of Nashua in 1862–3–4, and again in 1873–74; he was also appointed by the court to perform the duties of county solicitor, during the absence of that officer in the army; he was twice placed upon the judicial bench, first as a circuit justice of the court of common pleas, July 7, 1851, from which he resigned September 17, 1854. He was appointed justice of the supreme judicial court July 20, 1855; he served until November 1st, 1859, when he resigned for the reason that his private practice was more lucrative and less exacting. President Pierce tendered him the governorship of a territory, although not of the same political party, which Judge Sawyer declined. As a lawyer Judge Sawyer stood in the highest rank, and he was in the front rank of the New Hampshire bar as an advocate. He died at Nashua June 15, 1882.

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ASA FOWLER.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1855–1861.

Asa Fowler was born at Pembroke, January 3, 1811; graduated at Dartmouth in 1833; was admitted to the bar in 1837; began practice of the law at Concord and after a year and a half became a partner of ex-President Franklin Pierce; was snbsequently senior partner of John Y. Mugridge, and with Hon. Wm. E. Chandler, but each for a short time; was elected to the clerkship of the senate in 1835, and served in that office until 1841. In 1845, 1847, 1848, 1871 and 1872 he was a representative in the legislature, and the last of those years speaker. On August 1, 1855, he was appointed a justice of the Superior Court and served five and a half years, when he resigned in 1861 and accepted the solicitorship of Merrimac county, serving until 1865, when he was selected as one of the three commissioners to make a revision of the state laws. This duty occupied him for two years. In 1861 he was appointed delegate to the peace congress at Washington, D. C.; was a member of the school committee and of the board of education of Concord for about twenty years; was a director of the State Capitol Bank; president of the First National Bank, and of the Manchester and Lawrence Railroad; led a very active, untiring and laborious public life, devoted to professional pursuits, for more than forty years, and in his later days gave attention to literary pursuits, social enjoyments, and travel. Of his four sons, three became lawyers. He died at San Rafael, California, April 26, 1885.

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GEORGE WASHINGTON NESMITH, LL. D.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1859–1870.

Judge Nesmith was born at Antrim, October 23, 1800; graduated at Dartmouth in 1820; was admitted to the bar in 1825, and was very successful in his practice and popular with the people; was chosen a representative in the legislature not less than fifteen times, beginning with 1830 and ending with 1872; was a delegate to the constitutional convention in 1850, and a presidential elector in 1858; held many positions of trust. At the time of his death he was the president of the Franklin Savings Bank, of which he had been a director since 1869; a trustee of Dartmouth College, which he had been since 1858; president of the New Hampshire Agricultural College, of which he had been a trustee since 1870; president of the New Hampshire Orphans' Home, which he had been since its organization in 1871; had also been one of the first directors and eight years president of the Northern Railroad. In 1859 he was appointed Justice of the Superior Court and served until he reached the constitutional limit in 1870; was for a long time a great political power in the state; was an intimate personal friend of Daniel Webster, who was fond of meeting him when he was in New Hampshire, and for whom the Judge retained the highest admiration. It was through Judge Nesmith's efforts that the Elms Farm, Webster's home in Franklin, was secured as a place of refuge for the orphan children of the state, and this orphanage will always remain a monument to the joint memory of Webster and Nesmith. He died at Franklin, May 2, 1890.

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WILLIAM HENRY BARTLETT.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1861–1867.

Judge Bartlett was born at Salisbury, August 27, 1827; graduated at Dartmouth in 1847 with high honors; was admitted to the bar in 1851; took a post-graduate course in History, German and Greek drama at the Western Reserve College; commenced practice in 1851; was chosen solicitor of the city in 1853–4. In 1857 his health began to show symptoms of failure, which greatly interfered with his professional work, and in 1861 he was named a justice of the Superior Court by almost the unanimous voice of the whole profession of the state, notwithstanding his youth; remained upon the bench six years and acquired the respect, coufidence and esteem of the whole profession and the people of the state. During all the terms of his service he was an invalid and had to struggle against the inroads the disease was making upon him. He died at Concord, September 24, 1867.

JEREMIAH SMITH, A. B., A. M., LL. D.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1867–1874.

Judge Jeremiah Smith, son of Chief Justice Jeremiah Smith, was born at Exeter, July 14, 1837; graduated at Harvard in 1856; was admitted to the bar in 1861; practiced law at Dover; was appointed Associate Justice of the Supreme Judicial Court, October 19, 1867, and served on that bench until January 26, 1876, when he resigned on account of ill health. In 1890 he was appointed Professor

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in the Harvard Law School, a position which he still holds. In March, 1856, Harvard conferred upon him the degree of A. B., and in 1859 A. M., and Dartmouth the degree of LL. D. in 1883. He resides, at present, at Cambridge, Mass.

ELLERY ALBEE HIBBARD.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE. 1873-1874.

Judge Hibbard was the son of Silas and Olive (Albee) Hibbard; was born at St. Johnsbury, Vt., July 31, 1826; was educated in the common schools of St. Johnsbury and at the Derby Academy of Vermont; read law with Nathan B. Falton and with Charles R. Morrison, Esq., at Haverhill, N. H., and with Henry F. French, Esq., at Exeter; was admitted to the bar in 1849 and commenced the practice of the law at Plymouth; removed, in 1853, to Laconia, where he continued in the practice until his recent retirement on account of poor health; was clerk of the house of representatives in 1852–4, and a member of the same in 1865–66; represented the 1st district of New Hampshire in the 42d Congress in 1871–3; was appointed Judge of the Supreme Court of New Hampshire in 1873 and served one year; was tendered a re-appointment for that office, but declined it; was a member of the New Hampshire constitutional convention in 1889, and a trustee of the New Hampshire asylum for the insane from 1871 to 1898. He married Mary H. Bell, of Haverhill, December 5, 1853, has recently retired from the bar on account of poor health and now resides at Laconia.

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AARON WORCESTER SAWYER, A. M.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1876–1877.

Judge Sawyer was born at Mount Vernon, October 11, 1818; studied law with his father, Aaron F., and was admitted to the bar in 1844, entering into partnership with his father and practicing at Nashua, when his father's death, in 1847, left him in charge of the firm; continued the practice of the law until about 1877, when he withdrew in a great measure from practice. In 1876 he was commissioned a Judge of the Supreme Court, serving a little less than two years, when he resigned on account of his health, as he was the victim of an insidious disease from which he had suffered for some years; served as city solicitor and mayor of Nashua, and he served in the legislatures of 1865 and 1866, and was state senator in 1857 and 1858. From 1867 to 1876 he was United States register in bankruptcy. Dartmouth College gave him the honorary degree of Master of Arts. At the close of his life he seemed to desire to exert himself more actively in religious work and duties. In 1874 he obtained from the Hollis Association of Ministers of the Congregational Church a license to preach, and during the later years of his life he gave a great portion of his time to public exhortations and to lectures on temperance. He died at Manchester, December 1, 1884.

WILLIAM HENRY HARRISON ALLEN.

EX-ASSOCIATE JUSTICE SUPREME COURT OF NEW HAMPSHIRE.
1876–1893.

Judge Allen was born at Windham, Vt., December 10, 1829; graduated at Dartmouth College in 1855; was admitted to the bar in 1858, and commenced practice in

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Newport; was appointed clerk of the courts in Sullivan county and served until 1863, when he was made a paymaster in the United States army and served at Washington and Philadelphia. In 1865 he resigned and returned to his law practice at Newport, and in January, 1867, was appointed judge of probate for his county; served in that position seven years and a half. In 1867 he was made United States register in bankruptcy and served as such until 1876, when, upon the general request of the Bar of Sullivan, he was raised to the Bench of the Supreme Court of the state. He had not had any experience in his practice at the bar in the trial of causes before juries, but he was a good judge and maintained the name and fame of the office, serving for more than seventeen years, when failing health compelled him to resign in 1893 and return to his home in Claremont. He sought a warmer clime for the benefit of his health and visited Cuba, where he spent the winter, but returning he suffered a relapse, which terminated his life. He died in the city of New York on April 26, 1893.

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EX-ASSOCIATE JUSTICES SUPREME JUDICIAL COURT OF NEW HAMPSHIRE.

WILLIAM SPENCER LADD, LL. D.,

EX-ASSOCIATE JUSTICE OF NEW HAMPSHIRE.
1870–1876.

Judge Ladd was born at Dalton, N. H., December 5, 1830; graduated at Dartmouth College in 1855; was admitted to the bar in 1859, and commenced practice of the law at Colsbrook, where he remained until September, 1867, when he removed to Lancaster, formed a law partnership with Ossian Ray, and resumed the practice there. In 1870 he was appointed one of the Justices of the Supreme Judicial Court.

That judicatory was reorganized in 1874, and he was retained in the highest State tribunal by being commissioned a Justice of the Superior Court. Another change of the courts took place in 1876, and Judge Ladd was not reappointed, so that his term of service upon the bench continued from 1870 to 1876. He then returned to the bar and continued in active practice until his death at Lancaster, N. H., on May 13, 1891.

In 1883 he was elected to the Legislature of the State and the same year was elected as State Reporter. He filled this office with general approval up to the time of his death. He was a member of the Constitutional Convention called to revise the Constitution of the State in January, 1899.

Judge Ladd was one of the ablest Judges upon the New Hampshire Bench; retained the confidence of the profes-

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sion, and the people of the State; took an active part in the decision of those cases in the Supreme Court of New Hampshire, which have been cited as establishing what is known as "the New Hampshire Doctrine on the responsibility of the Insane, in cases of homicide," in which the right and wrong theory, which had been accepted in England, was assailed and repudiated, and he was the colleague of Chief Justice Doe in settling the law upon that subject for that State, which has been since followed in many of the American states.

Dartmouth College conferred the degree of LL. D. upon him in 1887. He was an active member of the Medico-Legal Society of New York during the latter years of his life and took a deep interest in Forensic Medicine. His elder son, Fletcher Ladd, is a member of the Boston bar.

ISAAC W. SMITH, LL. D.

ASSOCIATE JUSTICE SUPERIOR COURT OF JUDICATURE OF NEW HAMPSHIRE AND OF THE SUPREME COURT.
1874–1876. 1877–1895.

Isaac William Smith was the son of Isaac and Mary (Clark) Smith, and was born in Hampstead, New Hampshire, May 18, 1825. He attended Phillips Andover Academy, and in 1846 was graduated from Dartmouth College. He commenced the study of law in the office of William Smith, Esq., of Lowell, Mass.; after about one year he removed to Manchester, New Hampshire; was admitted to the bar July 9, 1850, and was at various times associated as a partner with Herman Foster, Daniel Clark and John H. Andrews.

He early became interested in political affairs, and was the recipient of many honors and offices. He was presi-

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dent of the common council in 1851 and 1852; city solicitor in 1854–5 and mayor in 1869, and from 1855 to 1857 he was justice of the police court. In 1856 he was a delegate to the Republican National Convention, which nominated Fremont and Dayton. In 1859 and 1860 he was a representative to the New Hampshire legislature, and in 1862 and 1863, a member of the state senate, serving in both branches as chairman of the committee on the judiciary.

He was nominated for the presidency of the senate but was defeated by certain combinations. In 1863 President Lincoln appointed him assessor for the second Internal Revenue District of New Hampshire, which office he held until 1870. In 1889 he was a member of the State Constitutional Convention, and took an active and influential part in the deliberations of that body.

Judge Smith was admirably qualified for the performance of public duties. He regarded every office which he held as a sacred trust, and gave to the discharge of its duties his time and abilities in full measure, and loyally and zealously devoted himself to what he considered the true interests of the public. In other lines, he was an interested member of the New Hampshire Historical Society, and, at different times, held important financial trusts, and was officially connected with many business and charitable institutions. At the time of his death he was President of the New Hampshire Bible Society and the Congregational Club. His attachment to Dartmouth College never waned, and to it he gave much valuable time and service. He was president of the Alumni Association, also of the Phi Beta Kappa Society, and was a member of the board of trustees from 1885 to his death. In turn the college, recognizing his zeal and ability, conferred upon him, in 1889, the degree of LL. D.

February 10, 1874, he was appointed Associate Justice

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of the Supreme Judicial Court, and when, in August of the same year, the highest court was reorganized, he was appointed Justice of the Superior Court of Judicature, and continued a member of that court until the reorganization of August 1, 1878, which established the present Supreme Court. In the first organization of the new court he was not appointed, but July 24, 1877, he was again named as Associate Justice and served as such until May 18, 1895, when, by reason of the constitutional limitation, he was retired, having reached the age of seventy years.

As a judge he was fair, conscientious and able. In the preparation of opinions upon questions of law Judge Smith believed in relying upon the authority of former cases. The amount of his work was truly marvelous. Over five hundred opinions given by him appear in the New Hampshire Reports. As a presiding justice at trial terms he possessed exceptional qualifications; was pleasant to counsel and to parties; was always ready to listen to every argument, and in his charges to the jury he admirably, concisely and impartially stated the law, and never trespassed upon the right of the jury to determine facts. If he entertained an opinion as to the merits of a case, the jurors were not able to determine that opinion from his charge. As a trial justice he was very popular with the lawyers of the state, and probably tried more cases with and without a jury than auy other judge in the state of New Hampshire for the last twenty-five years.

Upon the expiration of his judicial term, Judge Smith at once resumed active practice. He was in the full possession of his mental powers and of vigorous physique. He had a very large practice, and his last years were busy and prosperous, fitly rounding out a life of rare activity. On November 28, 1898, he was found seated at his desk, in his office, his head resting upon his arm, dead.

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Judge Smith was an upright citizen, a sound lawyer, a wise judge, an honest man. His mind was pure, his motives lofty. He was an amiable sociable companion; was devoted to the Congregational church, and interested in every movement for the social and moral improvement of the community in which he lived; honesty and industry were the marked characteristics of his career. His power to work was prodigious, and with his integrity of life and uprightness of purpose, he was bound to win the high place in the judicial history of his state to which he did attain.

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EX-ASSOCIATE JUSTICES CIRCUIT COURT OF NEW HAMPSHIRE.

EDWARD DEAN RAND.

EX-ASSOCIATE JUSTICE OF NEW HAMPSHIRE.
1874-1876.

Judge Rand was born at Bath, N. H., December 26, 1821. He was descended, through his mother, from Ogden Sprague, of Haver Hill, an eminent jurist and advocate. He graduated at Wesleyan University in 1841, and commenced the study of the law in New Orleans, in the office of the celebrated Judah P. Benjamin; was admitted to the New Orleans bar in 1846, where he practiced for nine years. In 1855 he returned to New Hampshire and entered into a law partnership with his brother, Charles W. Rand, at Littleton. In 1860 he removed to Lisbon, N. H., where he resided until his death, January 14th, 1885. In 1874 he was appointed, by Governor Weston, on the organization of the Judiciary of the State, a Judge of the New Circuit Court, and served for two years, when the political revolution in the State put an end to that tribunal in New Hampshire. After leaving the bench he remained in Concord for two or three years, when he returned to Lisbon and resumed active practice at the bar there and acquired a high and commanding position as a jury lawyer and public speaker.

He was a man of fine literary achievements, a student of belles lettres, and a contributor, both in prose and verse, to the periodicals of his time.

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CLINTON WARRINGTON STANLEY.

EX-ASSOCIATE JUSTICE OF NEW HAMPSHIRE.
1874–1876.

Judge Stanley was born at Hopkington, December 5, 1830; graduated at Dartmouth College in 1849, and was admitted to the bar in 1862, forming a partnership with his old preceptor, George W. Morris, of Manchester, in whose office he was a law student.

The firm of Morris & Stanley had a large practice. In 1865 he was chosen President of the City National Bank and held that position for fourteen years. In 1881 he was elected a Trustee of Dartmouth College, to succeed Judge Ira A. Eastman. In 1874, on the reorganization of the judiciary system of the State, Mr. Stanley was made one of the Judges of the New Circuit Court, and two years later, when the opposing political party abolished that court and restored the former system, he was retained on the Superior Court bench as a senior Associate Justice, a position which he held until the close of his life, which occurred at Manchester, December 1, 1884. He had the reputation of being a good Judge, with marked ability to bring causes to a conclusion more rapidly and successfully than any of his associates. His death was a serious loss to the bench and to Dartmouth College, in which he always took a deep interest.

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SUPREME COURT OF MINNESOTA.

The Judges elected to take seats January 1, 1900.

HON. JOHN A. LOVELY,
of St. Paul, Minn.

HON. CHARLES L BROWN,
of Morris, Minn.

HON. CHARLES L. LEWIS.
of Duluth, Minn.

From advance sheets Supreme Court of the States and Provinces of North America.

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SUPPLEMENT.

EX-CHIEF JUSTICES SUPREME COURT OF THE TERRITORY OF MINNESOTA.

HON. AARON GOODRICH.

EX-CHIEF JUSTICE OF MINNESOTA TERRITORY.
1849-1851.

Judge Aaron Goodrich was born in Sempronius, Cayuga county, N. Y., in 1807. He practiced law in Tennessee and was elected to Congress from that state; he was a Presidential elector on the Whig ticket in 1848, and was appointed by President Zachary Taylor, Chief Justice of the territory of Minnesota court, 1849, and made his residence at St. Paul in that year. He presided at the first term of the Supreme Court in the territory and held the first district court of the state at Still Water, Sunk Rapids, and St. Paul, and served until November 13, 1851.

He at once took a prominent position in the territory; he prepared a code of pleadings and practice, drew the first Republican platform adopted in the state of Illinois, was a member of the National Republican Committee. The first court house in the state was commenced in his term, in November, 1850, and was completed in 1851. It was torn down in 1884, to make room for the new court house. The old jail was constructed in 1850, and demolished in 1857. He was made secretary of the American Legation at Brussels, Belgium, which position he held eight years.

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In 1869 he returned to St. Paul, and was the author of a work assailing the popular views as to the discoveries of Columbus, which he called mythical; he was an ardent admirer of Wm. H. Seward. He is described by T. M. Newton, the biographer, "as a tall, spare man with an exceedingly active brain, who speaks quickly and decidedly, an effective speaker on the stump, an excellent writer, a good lawyer, a scholar among the pyramids, a hater of court hypocrisy and meanness, a lover of honest thought and honest expression.

His daughter married Mr. Victor Robertson, and now resides in Chicago, Ill.

HON. JEROME FULLER.

EX-CHIEF JUSTICE OF MINNESOTA TERRITORY.
1851–1852.

BY DANIEL HOLMES, ESQ.

Jerome Fuller was born in Litchfield county, Conn., about the year 1807, and settled in Brockport, N. Y., in the year 1835. Of his early life, prior to his emigration to western New York, but little is known. As a young lawyer he at once reached the front rank in the bar of Monroe county, a position which he maintained through life. Outside of the duties of his profession, he first appears in the politics of the state by being elected to the State Senate, in the year 1847. In those days he was an ardent and enthusiastic politician and a prominent member of the Whig party. In the factional contests of the time he identified himself with what was then called the silver gray Whigs, and an organ of that wing of the party at Albany being considered desirable, he established and became the editor of the State Register, in the year 1850.

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Editorial duties, however, did not seem to his forte, and in 1851 he accepted the office of chief justice of the state of Minnesota at the hands of his friend, President Fillmore. The United States Senate failed to confirm the appointment, and Judge Fuller returned to Brockport in 1852, where he remained during the rest of his life and was actively engaged thenceforth as a lawyer, except when called to the discharge of public duties. In 1867, he was selected as a member of the State Constitutional Convention, and in the fall of that year as county judge of Monroe county, to which office he was re-elected for a term of six years in 1871. Having reached the age limit he was retired in 1877, and died at Brockport, September 2, 1880.

At his home and by those who knew him best, Judge Fuller was held in the highest esteem. He was always conscientious on the performance of every duty; he was kind and affable to his daily associates, and was deservedly popular. He thoroughly identified himself with the interests of his town and especially with the educational interests of Brockport. In November, 1845, he became a member of the board of trustees of the Brockport Collegiate Institute, a flourishing academy, and, in 1846, the president of the board. Subsequently, in 1866, this institution was merged into the State Normal School at Brockport, and Judge Fuller was chosen as the first president of the local board of managers.

As a prominent characteristic of the man, one may mention the unbounded enthusiasm with which he advocated any cause which was near to his heart. No one ever doubted on which side he stood, and in no sense was he a *trimmer*. During our Civil War he was active in the raising of volunteers and sent his two sons to the war, one

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of whom died in the service, and the other was a captain in the 108th Volunteers. As a judge he was one of the best we ever had in Monroe county; as a lawyer he was among the first; as a neighbor and citizen he is affectionately remembered by all who ever came in contact with him.

HON. HENRY Z. HAYNER.

EX-CHIEF JUSTICE OF MINNESOTA TERRITORY.
1852–1853.

Chief Justice Henry Z. Hayner was appointed chief justice of the territory by President Fillmore, took office and held the position from December 16, 1852, to April 7, 1853, to fill a vacancy.

He was a citizen of the state of New York, and, as he held the position only a few months, he did not become at all identified with Minnesota, and none of the present bench or older members of the bar are able to give any account of him and very few ever knew him. He never presided at a term of the court during the time he held the office.

HON. WILLIAM H. WELSH.

EX-CHIEF JUSTICE OF MINNESOTA TERRITORY.
1853–1858.

Chief Justice Welsh was born about the year 1812, as Mrs. Venson, who knew him, thought. He resided at the time he was appointed chief justice by President Franklin Pierce, April 7, 1853, at St. Anthony, Minn., and held the position of justice of the peace. During his term Andrew G. Chatfield and Moses Sherburne were associate justices, both of whom were excellent lawyers and very far his

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superior in legal learning and ability. His health was poor, but his published opinions commanded the respect of the bar and were not inferior to the average of the judges of that period in the western territories.

He was a tall, spare man; was quiet and undemonstrative; he was esteemed as a gentleman of unblemished character; he served until May 24, 1858. He finally removed from St. Paul to Red Wing, Minn., where he died.

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EX-CHIEF JUSTICES SUPREME COURT OF MINNESOTA.

HON. LAFAYETTE EMMETT.

EX-CHIEF JUSTICE SUPREME COURT OF MINNESOTA.
1858–1865.

Chief Justice Lafayette Emmett, the first chief justice of the Supreme Court after Minnesota became a state, was born in Ohio about the year 1827. He was of liberal education and early admitted to the bar of his native state; he emigrated to St. Paul, Minn., in 1851, and was a law partner of H. L. Moss, Esq., and later with James Smith, Jr.

He was appointed attorney-general by Governor Gorman, in 1854, and was elected chief justice in the fall of 1857, and taking his seat May 24, 1858, when Minnesota organized her state government under the state constitution. At the expiration of his service as chief justice, January 10, 1865, he resumed the practice of the law at St. Paul. He finally removed to Faribault, and engaged in practice there, and from there to Ortenville, Big Stone Lake; he now resides at Las Vegas, New Mexico.

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HON. JAMES GILFILLAN.

EX-CHIEF JUSTICE SUPREME COURT OF MINNESOTA.
1869-1879.

Chief Justice Gilfillan was born in Scotland, March 9, 1829; emigrated to New York in infancy, where he received an academic education. He studied law at Balston Spa, and at Buffalo, N. Y., and was admitted to the bar at Albany, N. Y., in 1850. He located in St. Paul to practice his profession, in 1857. In 1862 he enlisted in Company H, 7th Regiment, and was commissioned captain in August, 1862; served in that regiment in its Indian campaigns and afterwards at the South, at Tupelo, Tallahatchee, and in other battles and campaigns. On the 7th of September, 1862, he was promoted to the colonelcy of the 11th Minnesota, and commanded that regiment until it was mustered out in June, 1865. In 1869, on the resignation of Chief Justice Thomas Wilson, he was appointed chief justice to fill that vacancy. On March 6, 1875, he was again appointed chief justice and held that position until his death, December 16, 1894, at St. Paul.

Judge Gilfillan edited the first twenty volumes of the Minnesota Reports, and although he was never reporter of courts his work is in general use. The memorial proceedings of the bar of the state on his death are reported at the end of volume 59, Minnesota Reports, and at page 547, of that volume is the statement of Judge Young, who said: "In Chief Justice Gilfillan we had a judge who would rank with Judge Gibson and the greatest jurists who have adorned the bench in other states in the Union,"

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Mr. Gilman's appreciation of him may be found on page 555, of the same volume; "I may say of the position Chief Justice Gilfillan will hold in the estimation of the bar of the state, he will be spoken of as is Chief Justice Parsons, of Massachusetts, by the bar of that state, and Chief Justice Gibson, of Pennsylvania, by the bar of that state—'the great chief justice.'"

HON. CHRISTOPHER GORE RIPLEY.

EX-CHIEF JUSTICE SUPREME COURT OF MINNESOTA.
1870–1874.

Chief Justice Christopher Gore Ripley was born September 6, 1822, in Waltham, Mass., where his father, Rev. Samuel Ripley, was the settled Unitarian minister. His mother, who is said to have been one of the most remarkable women of the century in her intellectual attainments, was the daughter of Captain Gamaliel Bradford, of Boston. The future chief justice was prepared for college by his parents and graduated from Harvard College, in 1841. He spent one year at the Harvard Law School and then entered the office of Franklin Dexter, Esq., of Boston, a celebrated lawyer of that day. In 1855, he came to the then territory of Minnesota, settling first at Brownsville, but removing to Chatfield, in 1856, where he practiced his profession.

In 1869, he was elected chief justice of the court for the constitutional term, begining in January, 1870, but in April, 1874, he was compelled by failing health to resign. The remainder of his life was spent at Concord, Mass., where, in the "Old Manse," he died October 15, 1881.

The opinions of Judge Ripley begin in volume 15, and end in volume 20, of the Minnesota Reports.

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EX-ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE TERRITORY OF MINNESOTA.

HON. DAVID COOPER.

EX-ASSOCIATE JUSTICE TERRITORY OF MINNESOTA.
1849-1853.

Judge David Cooper was a native of Pennsylvania; born about 1820; was admitted and practiced law in his native state, the data of which I am not able to ascertain. On the organization of the territory of Minnesota, he was commissioned an associate justice of the Supreme Court by the President, June 1, 1849; removed to the territory, there remained and held the position until April 7, 1853. He practiced law in St. Paul after his term expired and finally removed, in 1864, to Nevada, where he made mining titles a specialty in his practice; from Nevada he removed to Utah and lived and died at Salt Lake City at the early age of about fifty-five years.

Mr. Newson, who knew him, thus describes him: "Judge Cooper was a medium sized man, with a clear complexion, good features, very gentlemanly in his make-up and was especially noted for his ruffled shirt bosom and ruffled cuffs, which gave him the appearance of 'an old school gentleman,' such as we see in the person of William Penn. He was a diligent student, not brilliant as a lawyer nor as a judge, yet a good deal of an antagonist in a legal fight, and was very social in his habits.

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HON. BRADLEY B. MEEKER.

EX-ASSOCIATE JUSTICE TERRITORY OF MINNESOTA.

[NOTE.—Bradley B. Meeker was an associate justice of the Supreme Court of the territory. Commissioned June 1, 1849, and serving till April 7, 1853, but I have been unable to obtain any data as to his birth or residence before or after his term of service, nor any portraits of him. No portraits are accessible of Chief Justices Goodrich, Fuller, Hayner, or Welsh, nor of Judge Cooper, though I hope to secure them of Judges Goodrich and Nelson, but not in time for the publication of these sketches.]

HON. ANDREW G. CHATFIELD.

EX-ASSOCIATE JUSTICE TERRITORY OF MINNESOTA.
1853-1857.

Judge A. G. Chatfield was born January 10, 1810, at Butternuts, in Otsego county, N. Y.; was a student at Hamilton Academy, N. Y., and studied law in Steuben county, N. Y. In 1833, he was admitted to the bar and formed a partnership with Judge Birdsall, at Addison, N. Y., and in June, 1836, he married Miss Eunice E. Beman, of Addison, N. Y. In 1836, he was elected to the Legislature of New York from Steuben county. He was was a brother of the Hon. Levi S. Chatfield, who sat in the same legislature and who was a lawyer of eminence and distinction. Both brothers were returned for thee successive years from their respective counties to the New York Legislature. Hon. A. G. Chatfield was again elected in 1845, and served on important committees and during the enforced absence of the speaker he was elected to fill that position and served for a considerable part of the session. In 1846, he was elected a member of the Constitutional Convention in New York, to revise the state

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constitution. In 1848, he removed to Kenosha, Wis., and entered into partnership with Volney French, Esq. In 1850, he was elected judge of Racine county, Wis., but shortly after resigned that office. On April 7, 1853, he was appointed associate justice of the Supreme Court of the then territory of Minnesota by President Pierce. This appointment and its acceptance was largely due to the influence of General H. H. Sibley. He removed to Mendota, Minn., and entered upon the discharge of his duties; he served with credit and destinction and at the expiration of his term, in 1857, he returned to the bar. In 1870, he was elected district judge for the eighth judicial district of the state, which position he held to the time of his death, October 3, 1875, at Belle Plain, Minn. At the time of his death Judge Isaac Atwater, in remarks made at the bar meeting of Hennepin county, said among other tributes:

"It has been my fortune to have known in their official positions all the judges who have occupied seats upon the Supreme bench of the territory and state, and none have been so universally honored and beloved as Judge Chatfield."

Mr. T. M. Newson says of him:

"He was a judge of the finest purity of character, very careful, very honest, very sincere, and very conscientious in his convictions of right. He died universally mourned by the whole bar of the state."

HON. MOSES G. SHERBURNE.

EX-ASSOCIATE JUSTICE TERRITORY OF MINNESOTA.
1853-1857.

Judge Sherburne was born January 25, 1808. at Mt. Vernon, Kennebec county, Maine; was the oldest son of Samuel Sherburne, who was of English descent; his education was of the public schools and the Academy at China, Maine; entered the law office of Nathan Cutter, Franklin county, Maine; was admitted to the bar and

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began practice at Phillips, in the same county, in 1831; was elected to the State Legislature and later to the Senate of Maine, and was chosen postmaster probate judge of Franklin county and bank commissioner of the state. In 1842, he was elected a major-general of the state militia and duly commissioned. On April 6, 1853, he was commissioned an associate justice of the Supreme Court of the territory of Minnesota, at the same time that Judge Chatfield was appointed by President Pierce, and in the fall of that year he removed, with his family, to Minnesota as his permanent home. His term of office expiring on April 13, 1857, he commenced the practice of law at St. Paul; held a high position at that bar, both as an advocate before a jury and was successful in his practice. He died, greatly regretted, March 23. 1868.

Mr. T. M. Newson says of him in his pen pictures: "Judge Sherburne was cast in the mould of a grand man. He was physically large and intellectually great." The Hon. Henry J. Horn paid a tribute to him before the State Bar Association of Minnesota, in April, 1884, from which I quote:

"Judge Sherburne was eminently fitted for the bench by his thorough legal education and training and by his varied experience. His mind intuitively sought the merits of a controversy, and his quick and ready perceptive facilities led him soon to a correct decision. His opinions are clear, forcible, and scholarly. Judge Sherburne's sense of justice was very keen and he was scrupulously conscientious in discharging his judicial duties."

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HON. R. R. NELSON.

EX-ASSOCIATE JUSTICE TERRITORY OF MINNESOTA.
1857–1858.

Judge Nelson was born in Cooperstown, Otsego county, N. Y., 1826, and was the son of United States Judge Samuel Nelson; studied law in his father's office and also in that of Judge J. R. Whiting; he removed to St. Paul in 1850, and was appointed associate justice of the Supreme Court of the territory, April 23, 1857, and held the office until May 24, 1858, when he resigned on being appointed, by President Buchanan, United States District Judge, a position which he held for many years in that district, residing at St. Paul, and commanding unusual confidence and respect by all who knew him.

HON. CHARLES A. FLANDRAU.

EX-ASSOCIATE JUSTICE TERRITORY OF MINNESOTA.
1857–1864.

Judge Flandrau was born in New York City in 1828. His father was a law partner of Aaron Burr, and his mother a sister of General Macomb, at one time commander-in-chief of the United States Army. He was educated at Washington, D. C., and at Georgetown; followed the sea three years as midshipman; learned the trade of sawing mahogany; studied law at Whitesboro, N. Y., and emigrated to and located at St. Paul, Minn., in 1853, where he has since resided; was a deputy clerk in

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the United States District Court in 1854; member of the Territorial Council in 1855; United States Indian Agent for the Sioux Indians in 1856; member of the Constitutional Convention in 1857, and was commissioned associate justice of the Supreme Court for the territory of Minnesota, April 23, 1857, which office he held until the 24th of May, 1858, when the state was organized, where he took his seat as associate justice of the Supreme Court of the state on May 24, 1858, which position he held until July 3, 1864; was commissioned judge advocate general of the state in 1858; was candidate of the Democratic party for governor of the state in 1867; Democratic candidate for chief justice of the Supreme Court in 1869, and was chairman of the Democratic State Central Committee in 1868; was married to Miss Dinsmore, of Kentucky, in 1859, and was the second time married to Rebecca B. Riddle, of Pennsylvania, in 1871; he has two sons and two daughters. In 1862, while associate justice of the Supreme Court, he greatly distinguished himself on the occasion of the Indian outbreak of 1862, by the gallant defense of New Ulm, organizing a company of which he was chosen captain, and commanding the reinforcements that saved that town in a memorable and desperate conflict with the Indians in great force. Judge Flandrau is one of the most eminent and conspicuous of the judges of the state. He still resides at St. Paul, and has been intimately associated with the territorial and state history of that state.

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EX-ASSOCIATE JUSTICES OF THE SUPREME COURT OF MINNESOTA.

HON. CHARLES EDWIN VANDERBURGH.

EX-ASSOCIATE JUSTICE SUPREME COURT OF MINNESOTA.

Judge Charles E. Vanderburgh was born in Clifton Park, Saratoga county, N. Y., December 22, 1829. He was the son of Stephen Vanderburgh, a farmer, of Holland Dutch stock; fitted for college at Homer Academy, entered Yale College in 1849, and graduated in the class of '52; became principal of the Academy at Oxford, N. Y., and commenced the study of the law, and, in 1858, entered as a law student the office of Henry R. Mygatt; was admitted to the bar in 1855, and went to Chicago, Ill., and from thence, in April, 1856, he removed to Minneapolis, Minn., and formed a co-partnership with F. R. E. Connell. In 1859, he was elected judge of the Fourth Judicial District; he was re-elected to this office for three successive terms in 1866, 1873, and 1880. In 1881, he was elected an associate justice of the Supreme Court, and was re-elected in 1887. He was twice married. In 1857, to Miss Julia Mygatt, of Oxford, N. Y., of the two children of this marriage, a son survives him, who resides at Minneapolis; he married, after the death of his first wife, Miss Anna Culbert, a daughter of Hon. John Culbert, of Broadalbine, Fulton county, N. Y., who survives him and resides at Minneapolis, Minn. The only fruit of this union was a daughter, who died at nineteen years of age. He died at Minneapolis, after a short illness, on the 3d of March, 1898.*

* The data for this sketch was furnished by the widow of the deceased.

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EARLY CONGRESSIONAL AND JUDICIAL HISTORY.

The territory embraced in the State of Minnesota was embraced in the lands ceded to the United States by the State of Virginia, by the Virginia Act of Cession of 1783 in part, and in part in the Territory of Louisiana, purchased from France in 1803.

Parts of the Territory of this State were subsequently included in the territory of Indiana; the territory of Louisiana; the territory of Illinois; the territory of Missouri; the territory of Michigan; the territory of Wisconsin and the territory of Iowa.

Vide Act creating the Northwest territory, July 13, 1788.

Vide Act of Congress creating the territory of Indiana, of May 7, 1800.

Vide Treaty ceding Louisiana, April 30, 1803.

Vide Act creating the territory of Louisiana, March 3, 1805.

Vide Act of Congress creating the territory of Illinois, of February 3, 1809.

Vide Act of Congress, June 4, 1812, establishing a territorial Government in Missouri.

Vide Act of Congress establishing the territory of Michigan, approved July 15, 1805.

Vide Act of Congress creating the territory of Wisconsin, passed April 30, 1838.

Vide Act of Congress, passed June 12, 1838, establishing a territorial government for the territory of Iowa.

Vide Act of Congress, establishing a territorial government for Minnesota, passed March 3, 1849.

Vide enabling Act for Minnesota for admission to the Union, passed in 1857.

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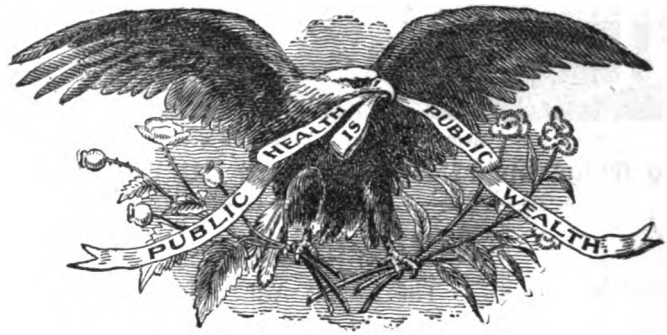

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United States Bonds	$1,600,000 00	1,932,500 00
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City Bonds	716,892 49	727,392 49
Rail Road Bonds	959,000 00	1,076,310 00
Water Bonds	98,000 00	93,200 00
Gas Stocks and Bonds	126,300 00	143,800 00
Rail Road Stocks	2,936,400 00	4,848,780 00
Bank Stocks	150,000 00	318,000 00
Trust Co. Stocks	35,000 00	107,250 00
Bonds and Mortgages, being 1st lien on Real Estate		194,250 00
Loans on Stocks, payable on demand		234,125 00
Premiums uncollected and in hands of Agents		652 322 84
Interest due and accrued on 1st January, 1900		49,614 39
		$12,808,395 95

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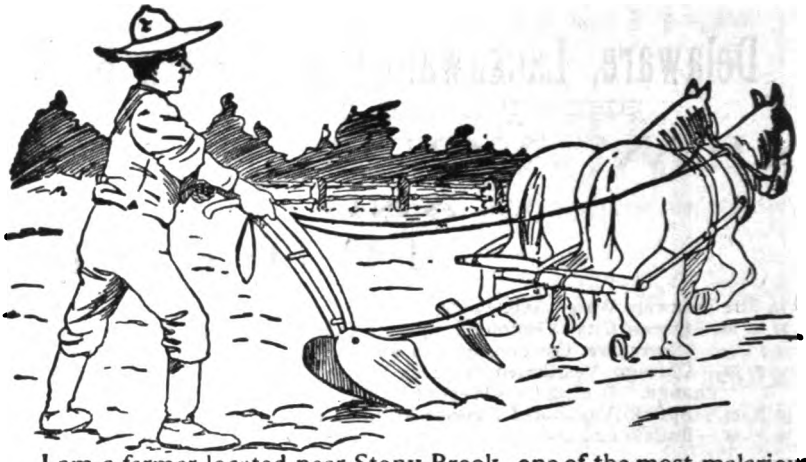

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This volume has been issued since our last number, from the press of the MEDICO-LEGAL JOURNAL.

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Hypnotism in the Criminal Courts; Report of Committee of Medico-Legal Society; Mechanical Restraint of the Insane—Section 40 of English Lunacy Act of 1890; Regulation of English Lunacy Commission; Duty and Responsibility of the Attending Physician in Cases of Railway Surgery; The New Lunacy Statute in New York; The Future of Railway Surgery; Arsenical Poisoning and Circumstantial Evidence; Kleptomania; English Prisons and Irish Political Offenders; The Medical Agnostic; Mr. Justice Stephens' Charge to the Jury in the Maybrick Case Reviewed; Commitment of the Insane; Legal Enforcement of Compulsory Vaccination; Has the Physician the Right to Terminate Life; The Legal Aspect of the Maybrick Case; The Case of Spurgeon Young; Trial Tests in Hypnotic Suggestion and How Should They be Made; Criminal Appeal in England; The Sub-Conscious Mind—Sub-Liminal Consciousness; Medico-Legal Surgery; Judicial Evolution as to Criminal Responsibility of Inebriates; Right or Left Handedness in the Detection of Crime; The True Test of the Criminal Responsibility of the Insane; Medical Expert Testimony; Index to Supplement; Appendix.

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The Supreme Court
OF THE
States and Provinces of North America.

VOLUME I.

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OPINIONS OF THE CHIEF JUSTICES OF SUPREME COURT.

SUPREME COURT OF ERRORS, STATE OF CONNECTICUT.

Hon. CLARK BELL: LITCHFIELD, Nov. 5, 1894.

My Dear Sir: I have been a subscriber to the MEDICO-LEGAL JOURNAL now for about four years. I have read it with great interest, and have found it always entertaining and many times highly useful. To a State Attorney, or to any lawyer engaged in criminal practice, I should suppose it to be of great value. Yours very truly, CHARLES B. ANDREWS.

CLARK BELL, Esq., New York: ATLANTA, Ga., Nov. 23, 1894.

Dear Sir: During the time I occupied the Bench as Chief Justice of the Supreme Court of Georgia, I regarded the MEDICO-LEGAL JOURNAL as one of the current periodicals to be regularly read in order to keep up with the best thought touching medical jurisprudence. Besides this, almost every number contained matter, historical or biological, of much interest. I do not hesitate to say that every lawyer, whether on the bench or at the bar, will, on trial, find the work both useful and entertaining. It gives me pleasure to recommend it. Very respectfully, L. E. BLECKLEY.

SUPREME COURT, STATE OF KANSAS.

TOPEKA, Nov. 19, 1894.

CLARK BELL, Esq.,

My Dear Sir: I have been a subscriber to the MEDICO-LEGAL JOURNAL for several years, and find it a valuable and useful publication, especially to the members of the legal profession. The numerous articles appearing therein concerning the criminal classes, expert medical testimony and the relation of the science of medicine to the science of jurisprudence, have been written by the very ablest physicians and lawyers. Much important information to the bench and bar can be derived from this journal not obtained elsewhere. Yours, etc., ALBERT H. HORTON.

SUPREME COURT OF NORTH CAROLINA.

CLARK BELL, Esq.: RALEIGH, N. C., Dec. 1, 1894.

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SUPREME COURT OF TEXAS.

AUSTIN, 1894.

I have had occasion to read and examine the MEDICO-LEGAL JOURNAL, edited by Clark Bell, Esquire, of New York, and have found it an able and interesting publication. It is useful to all who are concerned with the jurisprudence relating to insanity; and I would especially commend it to the judges of criminal courts and to prosecuting officers throughout the country.

R. R. GAINES.

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Supreme Court of the States and Provinces of North America.

To the American and Provincial Bench and Bar:

Series 4 of Volume I of this work is now ready for delivery. It embraces the States of Pennsylvania and Delaware. The historical sketch of the Pennsylvania Supreme Court is prepared by Judge F. Carroll Brewster, of Philadelphia. The portraits are from the private collection of Judge James T. Mitchell, one of the Judges of the Supreme Court of Pennsylvania.

The historical sketch of the Supreme Court of Delaware is from the pen of Hon. Ignatius C Grubb, of the Supreme Bench of that State, who has also collected the portraits of the Judges and ex-Judges for the work, and is in the December number (1894) of the MEDICO-LEGAL JOURNAL. Four series of this volume have already appeared.

Series 1 Embracing Texas and Kansas. Series 2. New Jersey and Oregon.

Series 3. Alabama, Georgia, and New Brunswick, which can be supplied on application.

Series 4. Pennsylvania and Delaware.

Series 5, Vol. I, will shortly appear, embracing Connecticut, Rhode Island and Santiago de Cuba.

The States of Minnesota, Ohio, New Hampshire, Massachusetts, Michigan, and others will shortly follow, as Series 6 of Volume I.

Volume 1 will be composed of a sufficient number of States to make a suitable volume.

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The work is published by the MEDICO-LEGAL JOURNAL, and under the supervision of its editor.

The thanks of the editor are due to Hon. Simeon E. Baldwin, of the Supreme Court of Connecticut, for his aid; also to ex-Judges Dwight Loomis, A. M. Tallmage, Chief Justice Charles B. Andrews, and all the members of the present Bench of Connecticut, and to the Chief and Associate Justices of Rhode Island and Massachusetts for similar favors. Thanks are due to Senator Cushman K. Davis, Judges Charles E. Flandrau, Daniel Buck, William Mitchell, Greenleaf Clark, Chief Justice Start, Mrs. Judge Vandenbergh, Mrs. Judge Chatfield, R. K. Gilfillan, Esq., S. M. Hayes, Esq., the Emerald Publishing Co., Henry B. Wenzell, Esq., W. S. King, Esq., Warren Upham, Esq., Roger Vail, Esq , and others, of Minnesota.

The sketches for Rhode Island and Minnesota are completed. Hon. W. S. Sheffield, of Newport, has prepared a Historical Sketch, *vide* the March No. JOURNAL. Hon. Albert S. Batchellor, Esq., of Littleton, New Hampshire, has prepared the Historical Sketch of that State, and Hon. J. W. Fellows, of Manchester, New Hampshire, the sketches of the court and judges. Judge Conway W. Noble, of Cleveland, Ohio, has completed the work for the State of Ohio, which will appear in the June No.

Mr. Russell Gray, of the Boston Bar, has prepared a sketch of Massachusetts, and Judge Oliver Wendell Holmes, of that bench, is giving valuable aid. It is intended to embrace in its illustrations many of the Chief and Associate Judges of Massachusetts and the present Bench as soon as same can be procured.

Judge Simeon E. Baldwin, of Connecticut, of the Supreme Court of that State, has completed the historical sketch, which appears in the December number, 1898 of the JOURNAL.

Mr. Ralph Stone and Mr. H. D. Jewell, of Grand Rapids, Michigan, have been designated by the Judges of the Supreme Court to write the sketch for that State. Judge Conway W. Noble, of Cleveland, has completed the work for the State of Ohio.

Each number of the MEDICO-LEGAL JOURNAL will contain one or more States commencing with December, 1898.

Grateful for favors already received, subscriptions are solicited; also, data, and portraits of the earlier judges are respectfully requested from any of the States. The editor will gratefully acknowledge portraits or sketches of the Judges of the Supreme Court of any of the States, and especially those of Ohio, Minnesota, Massachusetts and New Hampshire, now shortly to be produced.

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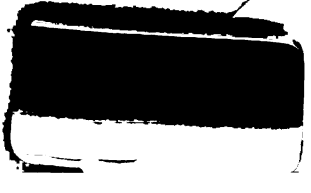

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